

My Rights at Work: The Duty to Accommodate in Ontario and its Limits

Is my employer allowed to say no to my request for accommodation? What does the law say?

According to the Ontario *Human Rights Code*, employers in Ontario have to make changes at work to help employees with disabilities such as modifying tasks, schedules, or workspaces unless doing so would be too difficult or expensive (cause undue hardship) or if the job has specific requirements that cannot be changed.

If your request for accommodation is a change to a job-specific requirement (justified job requirement), then the employer may be able to justify saying no to your request because that job-specific task is essential for the job that they hired you to do. To prove this, the employer must show that the job-specific task:

- Is required to perform the job;
- was put in place honestly and in good faith; and
- cannot be changed without causing the employer unreasonable difficulty (undue hardship).

When this happens, the employer may be obligated to offer you another job that you are able to do.

Example:

- Riley was hired for the job of delivery driver.
- Riley's disability-related needs prevent them from driving a truck.
- Being able to operate a delivery truck safely is a justified job requirement.
- Riley's employer may be able to say no to their request but may have to work with them to find a different job that works for their needs.

Undue Hardship

The employer is not required to provide the accommodation if it causes the employer hardship that reaches the point of being "undue." "Undue" is a legal term. The law says that only three things can be considered when considering whether an accommodation would cause undue hardship. **These are:**



Cost



Outside sources of funding, if any; or



Health and safety requirements.

No other factors can be considered as “undue hardship.” For example, inconvenience is not an excuse for whether the employer is allowed to say no to your accommodation request.

If your employer shows you that your request for accommodation will cause them undue hardship, they are obligated to work with you to find a different accommodation that works for your disability-related needs.

Example:

- Parker works at a small family-owned flower shop in an old building.
- Parker requests that they install an elevator for their disability-related needs. Because Parker’s employer is a small business, installing an elevator may be so costly that it causes the employer undue hardship.
- Parker’s employer may be allowed to say no to install an elevator if they can show undue hardship, but they are required to keep working with Parker to find another appropriate accommodation.

Note: federally-regulated employment

For employers that are federally-regulated (like the federal government, banks and air transportation companies), the *Canadian Human Rights Act* (CHRA) applies instead of the *Human Rights Code*. Some of the laws are different for these types of employment relationships.

For More Information

For specific questions about your situation, persons with disabilities who live in Ontario can call ARCH for free, confidential, summary legal information and advice. To find out about the type of legal advice ARCH provides and how to book an appointment, go to: www.archdisabilitylaw.ca/services.

You can also contact ARCH by telephone at 1-866-482-2724, teletypewriter service (TTY) at 1-866-482-2728 or by email at intake@arch.clcj.ca.



This information is not intended to be legal advice. Consult a lawyer or legal worker if you need legal advice on a specific matter.

This information is current as of September 2025.