

How can remote workers best be accommodated?

It's not only working parents who are struggling to cope with the new work-from-home environment. Employers have both legal and moral reasons to respond to their remote workforce, finds **John Dujay**

THE most important thing is flexibility."

So says Julie Bevacqua, president of Rise People in Vancouver, in describing how employers should be approaching the unprecedented dilemma of having so many parents with young children working from home during the pandemic.

"There's so much happening in the world now and that's impacting people and how much they can focus on work," she says. "[It's about] understanding that tasks and assignments may not get done during the typical nine-to-five [workday], but they are getting done.

As the situation with COVID continues to change, it's important to set clear expectations and not to get caught up in how things have been done previously "but instead focus on the fact that things are getting done," says Bevacqua.

The pandemic has affected working parents particularly hard, according to a September survey done for the

Centre for Addiction and Mental Health (CAMH) in Toronto that found that about 27 per cent of parents who have children younger than 18 at home say they experienced moderate to severe anxiety versus those who don't have any kids at home (19 per cent).

As well, about 24 per cent said they sought out professional help to cope with their poor mental health during the COVID lockdown.

The legalities of accommodation

If approached by an employee, employers should consider opportunities for accommodation as long as the employee can still do their job. That might include different times or perhaps shortened hours, if it makes sense, says John-Edward Hyde, partner and chair of the management-side labour group at Hyde HR Law in Toronto.

"Don't discount a request for accommodation outright; investigate it because the minute you discount a request for accommodation, then you're in violation of the Human Rights Code because you haven't even considered accommodation."

An employee who is refused accommodation may bring up family status accommodation, he says, especially if the request is made because of that person's household situation.

"The Human Rights Code provides protections with respect to family status and that may be a situation where an employee needs accommodation because of the requirement to look after children in the home while working."

Any type of accommodation must be made to the point of undue hardship, which can be a hard thing for an employer to demonstrate, he says. How-

ever, the onus doesn't strictly fall upon the employer to look into alternatives, says Hyde.

"The employee has to make reasonable efforts to ensure that they have considered all possible opportunities for alternative childcare arrangements. An employee simply can't say, 'I choose to keep my children at home; I could send them to school but I choose to keep them,' and then demand accommodation because there is an alternative. When there is no alternative, there is a duty upon employers to consider changing the job function in certain ways."

The employer should have policies with regard to workplace accommodation, he says.

"Assisting your employees, wherever they're working, is an important function and is the foundation of success as an organization. Too many employers are saying: 'This is the employee's problem, not mine.' That's a big mistake."

Flexible hours not always easy

Changing a working parent's hours to better support them might involve a move to part-time hours — but that can also create unintended negative consequences for certain employees, says Françoise Mathieu, co-executive director at TEND, a training consultancy located in Kingston, Ont.

"We know, and the data shows, that people who move to part-time often end up doing more than part-time work. There's ample evidence that part-time workers, if they're dedicated, actually produce or carry a significant portion of the load."

And the switch to fewer hours might affect that employee's engagement with the greater workforce, she says.

"One of the things that's tricky is

"One of the challenges is figuring out logistics to make sure that they're feeling like their needs are being met without putting too much pressure on other co-workers."

Julie Bevacqua, Rise People

making sure that they're still in the loop. Is their day off [going to mean] they miss a staff meeting? Are there ways for us to make sure that they're still involved in the information and communication about what's going on and also committed to connecting with one another?"

Perceptions of fairness

It's also important to bear in mind that not all employees are parents and some need consideration for a variety of different reasons.

"It turns out a lot of people need flexibility and accommodation right now — not just working parents — and so one of the things is that, when people are in leadership roles and they're trying to be accommodating or supportive, some people get forgotten," says Mathieu.

"A workplace's perception of fairness is really important."

While it's important for HR to step in and figure out the details of these types of accommodations that may not be family-related, "we also need to consider whether or not these accommodations will be seen as fair and equitable by other employees," says Bevacqua.

COVID-19 HAS HEAVY IMPACT ON FAMILIES



74%

Balancing childcare and work is top concern of parents



71%

Parents who were concerned about children socializing



57%

Children between 15 and 17 report that mental health is worse



9%

Canadians with children younger than 18 who had suicidal thoughts

Source: Statistics Canada, CAMH



“One of the challenges is figuring out the logistics and working together with the employee to make sure that they’re feeling like their needs are being met without it putting too much pressure on other co-workers or revenue-driving initiatives.”

It’s important for employers to acknowledge that there could be an imbalance and to understand that, from a childless employee’s perspective, it may not be fair, she says.

“The way to solve that is to look for ways to make it more fair by offering similar flexibility or perks and to make sure that everyone knows their work is appreciated,” says Bevacqua.

Privacy considerations

While an accommodated employee legally requires their privacy to be respected, employers and HR departments must “deal with it in a transparent manner, deal with the issues up front and articulate a clear policy,” says Hyde.

Maintaining privacy is also a good idea for those employees who don’t have children at home but still require

accommodation for other reasons, says Mathieu.

“It’s generally not a good idea to have to judge different people’s reasons for working from home; this leads to uncomfortable territory — don’t make people explain why they need the accommodation.

“Maybe someone’s really struggling with insomnia and maybe what really helps them is to catch up on their sleep debt in the morning. They’re still going to work hard, [but] they might not show up at nine. Why not have that flexibility without making people explain the reason why? You could just say: ‘We’re going to institute a flexible schedule: You have to put in the hours, but we’re going to have a wider range [of options],’” says Mathieu.

Compassion goes a long way

Exercising a strong sense of compassion by accommodating employees is not only morally right, says Hyde, it makes good business sense.

“If your employees are having a tough time, they’re not going to be as

productive. If they’re not as productive, then you’re not going to stay in business very long. It’s about reaching out to employees, asking them what kind of problems they’re facing and attempt to find ways to assist them.”

Empathetic guidance is needed from the top, says Mathieu, in order to successfully manage the workforce accommodation. And there’s an ROI to compassionate leadership.

“We know that the objections we often get is people will say [accommodation] will be exploited or people are going to take advantage of it, and that’s not what the data has shown. In general, what we see is that compassionate leadership leads to more trust and more dedication and loyalty.”

How this compassion and empathy is manifested will affect employers well into the future, says Mathieu.

“I’d love to look 24 months from now, 48 months from now, because I think that employees will vote with their feet. They will shift to workplaces that navigated the pandemic by demonstrating compassion toward their

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John-Edward Hyde, Hyde HR Law

staff. The workplaces that managed to demonstrate compassion toward [their] staff will have incredible loyalty. People will remember.” [CHRR](#)