

- job bundling (see Section 4.3.1, above)
- providing alternative work
- authorizing staff transfers<sup>29</sup>

#### ■ 4.10.1 Should employers alter performance or attendance standards?

Employers may need to alter performance and attendance standards in order to meet their duty to accommodate, unless doing so would amount to undue hardship. See Chapter 5, Section 5.1.5 on the role of absenteeism and reduced productivity in the undue hardship analysis.

#### ■ 4.10.2 What accommodations should a union consider when assisting a member with a mental health disability?

When assisting a member with a mental health disability, a union should adopt a flexible approach and strategies based on the needs of the individual. This may include:

- involving a family member or other support person
- handling all communications in writing or face-to-face, depending on the member's preference
- arranging for the member to work with a union representative(s) with whom the member feels most comfortable<sup>30</sup>

Labour boards have cautioned that “the inflexible adoption of the union's regular procedures in the face of apparent mental health issues, without considering steps that could reasonably accommodate those issues, is potentially both arbitrary and discriminatory,” and therefore in breach of the union's duty of fair representation.<sup>31</sup>

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29 This list is partially taken from the Ontario Human Rights Commission, *Policy on preventing discrimination based on mental health disabilities and addictions*, note 6, above, p. 46. See also *Hydro-Québec*, note 20, above, para. 17.

30 See *Complainant v. Alberta Union of Provincial Employees*, 2015 CanLII 51529 (AB LRB), *Lancaster's Labour Board Law*, eAlert No. 84.

31 See note 30, above.