

**Citation:** Kanee, Lyle & Adam Cembrowski, “Family Status Discrimination and the Obligation to Self-Accommodate” (2018) 14 JL & Equality 61

**Abstract:** The authors examine the evolving caselaw on family status discrimination under human rights law, through the lens of a 2013 arbitration decision: *Communications, Energy and Paperworkers Union, Local 707 v SMS Equipment Inc (Cahill-Saunders Grievance)*. As arbitration and court decisions have developed an analytical framework for considering requests for accommodation on the basis of family status, they have placed continuing emphasis on the obligation of employees to “self-accommodate” – to fully explore alternatives that might resolve childcare and other parenting challenges – before seeking any accommodation of work schedules or other employer-controlled solutions. The authors examine the evolution of this self-accommodation obligation, and consider whether it can be reconciled with the analytical framework established for assessing whether there is a *prima facie* case of discrimination for prohibited grounds of discrimination other than family status. Privacy and dignity interests are engaged by requiring parents to justify their parenting, childcare and financial choices in order to address self-accommodation. This aspect of family status cases is inconsistent with the requirement of a broad purposive approach to human rights law. Instead, questions about what reasonable alternatives are available to parents can be considered within the well-established case law on the duty to accommodate to accommodate to the point of undue hardship.