

Environmental sensitivity and scent-free policies



What you need to know

What is environmental sensitivity?

People who have allergies or sensitivity to certain products may have a bad reaction to a much lower level of chemicals, perfumes or environmental triggers than the average person.

Their reaction is a medical condition. It is a recognized disability. People with allergies or environmental sensitivity are entitled to protection from its cause.

The *Canadian Human Right Act* protects people with allergies or environmental sensitivities, like any other disability. Employes or clients with environmental sensitivities can ask employers or service providers for accommodation.

Employers and service providers must ensure that their facilities are accessible and safe. In the case of environmental sensitivities, this means:

- ▶ reducing the use of chemicals;
- ▶ having a scent-free policy;
- ▶ purchasing less toxic products;
- ▶ notifying employees and clients before construction or maintenance work.

These measures can prevent injuries and illnesses and reduce health and safety risks.

What is a scent-free policy?

A scent-free policy is similar to other workplace policies such as anti-harassment policies. It applies to all employees and is intended to guide their conduct. If an employee does not comply with the policy, disciplinary action can be taken.

To make it easier for people to comply, the policy should describe the types of products to avoid.

The policy can also explain the goal of reducing chemicals and environmental triggers in the workplace, to avoid negative impact on health.

The guidance should provide flexibility to adapt to the changing needs of the workplace. For example, if a person is allergic to a food item or substance, you could prohibit that specific food or substance.

Can the employer enforce it?

The right of a person to a scent-free workspace is not absolute. The duty to accommodate requires reasonable accommodation. This right may sometimes conflict with another employee's right, based on another ground such as religion.

To enforce a scent-free policy, an employer should mention it in a letter of offer. Once employees are aware of their obligation to be scent-free, it is reasonable to expect them to comply or face consequences if they fail to do so.

If an employee with environmental sensitivities needs to leave because of a trigger, this person should not suffer negative impacts because of their disability or their need for accommodation.

If a client or employee is a victim of discrimination because of a disability, or does not receive appropriate accommodation, they can file a complaint with the Canadian Human Rights Commission.

Find out more

For further information, you can read the following Commission publications:

- ▶ The Medical Perspective on Environmental Sensitivities
- ▶ Accommodation for Environmental Sensitivities: Legal Perspective Policy (reviewed January 2014)

Visit the Commission's website at www.chrc-ccdp.gc.ca, or contact our national office:

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