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Help

The requirement of reasonable accommodation goes beyond the above definitions of discrimination by imposing a duty on actors to identify, in *individual* cases, which measures could be taken to ensure that the specific needs of an individual are taken into account, in the context in which he or she is seeking access (for instance) to employment, housing or education. Reasonable accommodation thus consists in the adoption of individualized and context-specific measures, that actors such as the employer, the housing agency or the school authority must take unless this imposes on them a "disproportionate burden", in order to facilitate the integration of the person who would otherwise be excluded. Here, it is acknowledged that societal structures (such as the definition of the tasks to be performed by the employee, the design of the working environment, etc.) are not necessarily "neutral": the exclusion has its source not in the individual him- or herself, but in the way these structures have been designed, which may not have been taking account of specific needs of individuals who do not conform to the "norm".

The 2006 Convention on the Rights of Persons with Disabilities (CRPD) recognizes that the refusal to provide reasonable accommodation may constitute a specific form of discrimination. Article 5.3 of the CRPD states that 'In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided'. And Article 2 CRPD defines 'reasonable accommodation' as 'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms'.

In the context of the CRPD, reasonable accommodation serves to designate the obligation for private parties or public services to adopt certain measures, on an individualized basis, that accommodate the specific needs of the individual with a disability, without imposing a disproportionate burden on the other party – i.e., one which it would be unable to afford. But the notion also can be useful to enrich the non-discrimination requirement beyond disability. Consider, for instance, the case of *Central Okanagan School District No. 23 v. Renaud* (/c4x/LouvainX/Louv2.01x/asset/_Materials__Discrimination_-_Renaud__Final_.pdf), presented to the Supreme Court of Canada.





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