

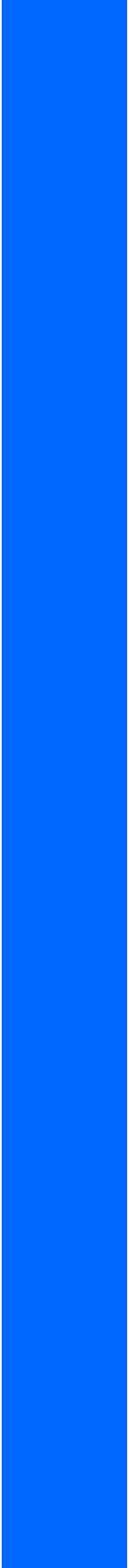


Accommodating Employees with Environmental Sensitivities

A Guide for the Workplace

**Debra Sine, Leslirae Rotor
and Elizabeth Hare**

With forewords by
Dr. Michel Joffres, M.D., PH.D.
Tedd Nathanson, P. ENG.
The Honourable George Thomson



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The authors wish to thank Dr. Michel Joffres, Tedd Nathanson, Dr. Virginia Salares, Bruce Small and George Thomson for their guidance and inspiration. We hope that this material will provide readers with the direction and information they need in order to make environmental and attitudinal changes in their workplaces for the benefit of all staff.

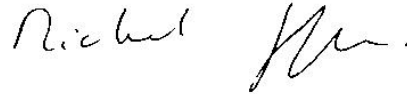
A Note to Readers

This Guide and the companion documents, **Accommodating Employees with Environmental Sensitivities: Guidelines for Building Managers**, and the **Employee Awareness Kit** are intended to provide guidance to three distinct groups: employers and managers (as one group), employees and building managers. It may be of interest, and in some cases, is essential, for members of each of these different groups to consult the guidelines addressed to a group other than their own. For example, it would be important for managers responsible for supervising employees with environmental sensitivities to read **Part 3** of the companion document, **Accommodating Employees with Environmental Sensitivities: Guidelines for Building Managers**, in order to fully understand the accommodation needs of these workers. Employees whose colleagues are environmentally sensitive will find it helpful to read the guidelines specifically addressed to them in the **Employee Awareness Kit** (or **Part 5: Guidelines for Employees**), but may also benefit from reading **Part 3: Guidelines for Employers** and **Part 4: Guidelines for Managers**. It should be noted that while this Guide contains some general legal information, it is not intended as a substitute for legal advice, if required. Happy accommodations!

Forewords

Michel Joffres, M.D., Ph.D.

This document is a crucial guide to creating a safer and more productive environment for people affected by environmental sensitivities. It is also a guide to improve indoor air quality for all employees and therefore prevent related indoor air quality problems. It is not only our legal duty, but also our human responsibility to ensure that our fellow workers are provided with an accessible physical environment, as well as one which is open, accepting and free from the harassment so often experienced by people with this disability. Many of these guidelines are not very difficult to implement, if we care.



Michel Joffres, M.D., Ph.D.
Director of Research
Nova Scotia Environmental Health Center
Associate Professor
Department of Community Health and
Epidemiology

Tedd Nathanson, P. ENG.

Occupants in the modern office building have placed their trust in a team of professionals to provide them with a safe, healthy, and comfortable work environment. The architect, engineer, builder, interior designer, property manager and operator all have critical roles to ensure the provision of accommodation with good indoor air quality (IAQ). "Acceptable indoor air quality" is defined as air "with which a substantial majority (80% or more) of the people exposed do not express dissatisfaction". [American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE) Standard 62–2001]. Under 'continuous maintenance', ASHRAE Standard 62–2001 has added new addenda recognizing the importance of building and system design, construction, commissioning, operation and maintenance in achieving acceptable indoor air quality.

Let's start with a few true statements: contaminant source control is the most effective way of achieving good IAQ; heating, ventilating and air-conditioning (HVAC) systems must be properly designed, operated and maintained; accidents and failures will happen and an appropriate remediation protocol should be

followed which includes good communication; and while it may not be feasible for general ventilation to assure the protection of the most susceptible occupants from all contaminants, there are policies and techniques that can be implemented to reduce the risk of exposure.

The ventilation rate, which is defined as the amount of outdoor air mixed with the supply air, simply dilutes existing indoor pollutants. For good IAQ, it is more effective to avoid or control sources of indoor contamination. It has been demonstrated that most problems in buildings occur because of internal pollutants rather than from insufficient ventilation.

Industrial hygiene practice and the use of "threshold limit values" (TLVs) are not appropriate standards for IAQ in offices. These thresholds are to avoid "adverse health effects" for industrial workers who usually know what chemicals are present and can take protection against exposure. There are also thousands of chemicals present in the office environment, and very few (under 500) have been studied or regulated. It is therefore prudent to control all chemical emissions in the office environment.

While IAQ parameters are measured in the low parts per million range, persons with environmental sensitivities may react to chemical concentrations in the parts per billion range, or even lower. These ranges are below the level of detection of most instruments.

The transition of our economy from an industrial to a knowledge-based workforce underlines the importance of a comfortable and productive workplace. The revised *Canada Labour Code* and the regulations made under it (as of July, 2000) require that buildings conform to ASHRAE standards, that HVAC systems be properly designed, operated, inspected, tested, cleaned and maintained, and that IAQ investigations be carried out where "the safety or health of an employee in a work place is or may be endangered by the air quality". The anticipated actual net benefits of these revisions in terms of reduced morbidity and mortality are estimated to be \$166.6 million over the next 20 years. IAQ assessment protocols and guidelines already exist and have been applied by Public Works and Government Services Canada since 1986.

How can the IAQ be improved for employees with environmental sensitivities? The concerns identified by the person involved should be the basis for the appropriate course of action to be undertaken. It

George Thomson


More than fifteen years ago, I chaired a committee on environmental sensitivities established by Ontario's Ministry of Health. The committee included two eminent teaching hospital physicians and a highly respected epidemiologist. We issued a report that identified existing, publicly funded means of diagnosis, and accepted various methods of patient management, including avoidance of offending agents.

Equally important in our minds were measures, such as income support, that would provide concrete assistance to members of this vulnerable group and reduce the risk of preventable harm. To this end, we recommended that financial and social support services be awarded on the basis of the extent of a patient's disability, rather than on the basis of a

should be noted that it may not always be possible to identify specific triggers due to the large number of potential incitants in our modern office environments and the possibility of synergistic factors. Such a situation may require an iterative approach – eliminating the most likely irritant in consultation with the affected employee and then following up with further actions as needed.

Each situation should be handled on an *ad hoc* basis, with the cooperation and support of all stakeholders.

The provision of good IAQ and a healthy and comfortable workforce is very cost-effective. Controlling pollutants, understanding the effects of exposure and improving the interior environment for all occupants is a mission for all of us. We must acknowledge heterogeneity and that all people have different degrees of sensitivity and susceptibility to the environment. Accommodating employees with environmental sensitivities is good practice and



Tedd Nathanson, P. ENG.
Manager, Indoor Air Quality
Environmental Services
Public Works and Government Services Canada

particular diagnosis. This would reduce the risk of depriving patients of support simply because medical professionals might be unable to differentiate between the myriad possible causes. We also called for further research and the development of services to support that research, while also helping those who were experiencing a wide range of very difficult symptoms. We did not feel that more research was needed before these and other measures were introduced to protect patients from being caused harm through inappropriate labelling or the denial of reasonable accommodation.

In the years immediately following the report, several positive steps were taken in response to the recommendations. Public support systems became more accepting of these individuals' needs. At the

federal level, departments and agencies began addressing unhelpful attitudes about this disability, not only within the departments and agencies themselves, but also within doctors' offices, medical associations and the broader community. Health Canada organized conferences, distributed documents and publicly supported recommendations to protect patients from unnecessary harm. The Department of Justice and Canada Mortgage and Housing Corporation funded self-help groups to support citizens with environmental sensitivities.

Regrettably, over the past few years, that initial momentum has been largely lost, and many of the earlier recommendations seem to have been forgotten. An ongoing, legitimate, but separate debate about medical approaches is again obscuring protection issues and returning us to the situation that prevailed when the report was written.

Thus, it was with pleasure that I read this workplace guide, **Accommodating Employees with Environmental Sensitivities**. Its authors have worked hard to provide concrete advice on how a workplace might accommodate employees with this disability. While not all suggestions will be

applicable to every workplace, much that is proposed here can and should be done to create a more accommodating work environment, keeping in mind recent developments in human rights jurisprudence. Employers are now required to organize their workplaces so that discriminatory barriers do not exist. I think that the suggestions in this Guide for accommodating employees who are environmentally sensitive will help employers eliminate barriers in the workplace, up to the point of undue hardship. I am particularly impressed with the proposals in the Guide for approaches that make employees partners in the development and implementation of an action plan to deal with this issue in the workplace.

I congratulate those whose hard work produced the Guide and I encourage employers and employees to take advantage of this readable and practical publication.



George M. Thomson, B.A., LL.B., LL.M.

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I and my colleagues find it is a regrettable situation that surrounds the matter of environmental sensitivity. There is a tendency in many circles to write it off, to treat it as though it did not exist. They shake their heads; they say there is just no dealing with some people. Our attitude, however, is that it is a problem, a genuine problem. It is a problem from which some people suffer, and suffer very painfully. They suffer all the more because of this element of humiliation. No one will take them seriously. We believe that there is a degree of public misunderstanding, and we would like to try to see that redressed.

We will investigate complaints from any person who believes that he has been discriminated against

because of suffering from environmental sensitivity. It is not for us to pronounce on the medical issues involved – and there are medical issues. There is some degree of disagreement or lack of unanimity in the medical community as to what exactly is involved in this syndrome. We think it is very clear that it is an illness; it is a problem. It is not illusory. I think we all have a duty to try to help people to understand what is involved and to do something about it.

**Maxwell Yalden, former Chair
Canadian Human Rights Commission
May 10, 1990, Hansard, House of Commons
Minutes of Proceedings and Evidence of the
Standing Committee on Human Rights and the
Status of Disabled Persons**



... moved:

that in the opinion of this House, the government should implement a national strategy for reducing the threats posed by exposure to contaminants in the indoors that would include a national research centre, technology development programs, a set of national standards on indoor air quality and an information campaign designed to raise awareness of and provide advice on indoor air contaminants.

.....

I suggest that the time has come in Canada to address these [indoor air quality] problems in an organized and concentrated fashion. That is why I have

suggested that by way of a national strategy the government take on a number of initiatives. I do not think these involve great direct expenditure of public money, but I do think that there will be direct benefit to the economy of Canada if we address these problems. Benefit will be realized through increased productivity in the workplace and increased job and worker satisfaction.

**John Manley, M.P. (Ottawa South)
June 5, 1990, Hansard
House of Commons Debates
Private Members' Business – Motions**



There has been some tendency on the part of management and government to think that they are dealing with a group of hypochondriacs, and to take these problems [environmental sensitivities] less than seriously. I do not think any responsible employer can believe that a group of employees suddenly turn into hypochondriacs overnight. These are very real

problems, they are not unknown to the international scientific community and they deserve the very serious attention of government.

**Marlene Catterall, M.P. (Ottawa West)
June 5, 1990, Hansard
House of Commons Debates
Private Members' Business – Motions**

Accommodating Employees with Environmental Sensitivities

A Guide for the Workplace

INTRODUCTION

You may know someone who is environmentally sensitive; you may not even be aware of it. Environmental sensitivities, a hidden disability, are estimated to affect at least 15 per cent of our population. These individuals have been sensitized to environmental agents and experience associated reactions.¹ People with environmental sensitivities suffer often disabling reactions to substances in our air, water and food at concentrations that are presently considered acceptable for the general population.

Many workers with environmental sensitivities encounter difficulties in obtaining the accommodations they need to work productively, or to work at all. It should not be so. We hope that the many benefits accruing to both employers and employees of providing accommodation to workers who have this disability will become apparent as you read this Guide.

In the following real-life examples, workers with environmental sensitivities have been provided with accommodation by their employers, demonstrating that it is both possible and beneficial to remove workplace barriers for members of this group, allowing them to remain valued, productive employees.

Lisa

Lisa worked for a large information technology company. During a pregnancy, Lisa became highly sensitive to many substances, including scented products, fabric softeners, off-gassing from carpets, photocopiers, printers, cleaning products and building

materials. Her reactions included life-threatening anaphylaxis, asthma, skin rashes, muscle weakness and severe headaches, among others. Lisa was diagnosed with environmental sensitivities to many foods and chemicals and was counselled to manage her sensitivities by avoiding offending agents. In spite of Lisa's efforts to control her exposures to irritants and resulting reactions, she continued to suffer severe reactions while in the workplace. After her maternity leave, Lisa's employer provided her with the equipment necessary to set up a home office, and assigned projects that Lisa could perform effectively from home. Lisa participated in meetings by teleconference, or colleagues and others attended meetings at her home. Fellow employees were educated to arrive at meetings scent-free, and without fabric softener or freshly dry-cleaned clothes, in order to avoid triggering a reaction. As a result of these accommodations, Lisa was able to continue working productively as a highly skilled worker with the company.

Johanne

Johanne works for a large government organization. She is very sensitive to chemicals and experiences anaphylactic reactions to some foods and natural substances. She has been assigned an enclosed office, which helps protect her from electromagnetic radiation (to which she is sensitive) and from off-gassing of pollutants such as those emitted by cleaning products, building materials, printers and photocopiers, and scented products used by other employees. In addition, a portable "HEPA" (high efficiency particulate arrester) filter air cleaner was

purchased for her by her employer out of a special fund available to departments within her organization for accommodation of disabilities. The cost of maintaining the air cleaner by periodic replacement of the filters is paid for out of the unit's budget.

Johanne's office has a window that provides some natural light. All of Johanne's fellow employees are aware of her disability and the need to avoid wearing scented products when working near her. Many of her colleagues, but unfortunately not yet all, avoid wearing scented products. Johanne is able to work a late afternoon shift, helping her to avoid the highest levels of indoor air pollutants, which occur between the mid-morning and mid-afternoon hours. Only cleaning products that Johanne is able to tolerate are used in her office. When new furniture was purchased for her unit, Johanne's supervisor gave her the opportunity to select tolerated hardwood furniture. The new finish on the furniture was allowed to off-gas for several weeks while Johanne was on vacation. As a result of this successful accommodation, Johanne remains a valued and effective member of her workplace team.

Vince

Vince became environmentally sensitive during the early 1980's while working in a sealed office building. During major renovations on the floor of the building where his unit was located, his employer provided him with alternative accommodation on a different floor of the same building, isolated from the renovations and better tolerated by Vince. His employer provided a closed office, allowing Vince to avoid some of the indoor air contaminants and ambient noise associated with construction. His office was equipped with an air purifier. Eventually, Vince found that he was completely unable to tolerate the indoor environment at that location and, at Vince's request, his employer granted a transfer to a more tolerable environment.

Proactive Steps Taken by One Employer to Accommodate Employees Who Are Environmentally Sensitive

In the course of a major retrofit to its headquarters building, a large government department made the decision to proactively eliminate barriers to employees who have environmental sensitivities. Tolerable building materials and furnishings were selected. The employer constructed "service centres" in key locations, which are separately ventilated rooms under negative pressure where VOC- (volatile organic compound) producing equipment such as printers and photocopiers are isolated. Books and files that may harbour mould and dust are stored in the service centres. Kitchens for the use of employees are also separately ventilated to the outside air. Coats and boots are stored in ventilated closets near office entrances. Tolerable, low-VOC or no-VOC cleaning products are used throughout the building. Employees with environmental sensitivities are individually accommodated in closed offices with openable windows, older furniture and hard flooring such as natural linoleum floors, if tolerated, and other accommodations, as needed. One boardroom in the building is dedicated to accommodating employees who are environmentally sensitive, although the room is routinely used by others as well. The boardroom has natural linoleum floors and is equipped with older furniture, good ventilation and openable windows. The boardroom is designated as fragrance-free, so that persons who book the boardroom are advised that no scented products, newspapers, foods or volatile chemicals may be brought into the room. A sign outside the boardroom sets out the conditions of use. From time to time, bulletins are sent to all employees reminding them to refrain from using scented products in the workplace, in order to accommodate employees who have environmental sensitivities.

Indoor Air Quality

The benefits of accommodating employees who are environmentally sensitive by making general improvements can be demonstrated not only through anecdotes such as those detailed above, but also in

terms of productivity. Indoor building environments have been shown to affect productivity between 1.5% and 6%.² Gains in productivity have also been demonstrated to pay for the cost of building and air quality improvements in about 1.6 years.³

What are some of the specific barriers or problems facing employees who are environmentally sensitive in the workplace?

Off-gassing of volatile organic compounds from many building materials in newly constructed and remodelled buildings are particularly problematic. Indoor environments affect human health, behaviour and learning ability.⁴

ASHRAE Standard 62–2001

defines "acceptable indoor air quality" as "air in which there are no known contaminants at harmful concentrations as determined by cognizant authorities and with which a substantial majority (80% or more) of the people exposed do not express dissatisfaction".

[Emphasis added]

Ventilation

The benchmark used to assess indoor air quality – *ASHRAE Standard 62–2001, Ventilation for Acceptable Indoor Air Quality* – is based on the premise that it is acceptable for up to 20 per cent of a HEALTHY, ADULT population to express dissatisfaction with the level of air quality set by the standard. In *ASHRAE Standard 62–2001* it is acknowledged that

"Acceptable indoor air quality may not be achieved in all buildings meeting the requirements of this standard for one or more of the following reasons:

- (a) *because of the diversity of sources and contaminants in indoor air;*
- (b) *because of the many other factors that may affect occupant perception and acceptance of indoor air quality, such as air temperature, humidity, noise, lighting and psychological stress; and*
- (c) *because of the range of susceptibility in the population.*⁵

Typically, research was done using odour-based criteria, with healthy young adult males as subjects, and with an expectation of an eight-hour exposure in an industrial setting. The exposures which are the basis of the *ASHRAE Standard 62–2001* are not the substantially higher exposures that the most vulnerable populations, including pregnant women, older people, children (who may be housed in daycare centres in a workplace setting), and persons with disabilities may experience in their workplaces. These standards are clearly inadequate to protect the most vulnerable populations.

Internally generated contaminants account for about 50 per cent of indoor air quality problems, and poor system design, operation and maintenance deficiencies account for the remainder.⁶ Most office buildings in operation today were not designed to accommodate energy restrictions, pollutants generated by modern synthetic materials, chemical cleaners or office equipment (such as computers, printers, fax machines and photocopiers). Energy restrictions imposed since the 1980s permit up to 85 per cent recycled air. Health Canada investigated 95 Canadian buildings in 1984 and found that 68 per cent had problems attributed to "inadequate ventilation", resulting in poor indoor air.⁷

Indoor air today is composed of hundreds, even thousands, of different compounds at very low concentrations, and has been referred to as a "chemical soup." Further, indoor air quality investigators only select certain compounds for testing and measurement. The synergistic effects of the cumulative total concentrations of contaminants have not been established. Given these factors, it is not surprising that there has been a concurrent appearance of related health problems, and that these complaints are becoming more numerous and severe. (The Ontario Workers Compensation Board approved

127 claims between 1988 and 1992 due to health problems related to airborne contaminants.)⁸

Many employees are presently missing working days because of inadequate office environments. A failure to provide good indoor environments in our office buildings means that many employees are not performing their work as productively as they might be.

Toxins / Irritants / Sensitizers

Some of the toxins, irritants and sensitizers that contribute to unhealthy indoor environments are listed in the chart to the right.

The World Health Organization estimates that 30 per cent of homes and buildings today contain enough indoor pollutants to cause health effects that range from a sniffle to very serious health problems. Since 90 per cent of the average Canadian's time is spent indoors, and since air pollution is two to five times, and occasionally more than 100 times, greater indoors,⁹ indoor air quality will increasingly become an issue of accommodation and access.

Toxins / Irritants / Sensitizers

- ◆ Volatile organic compounds (VOCs) including those found in scented products
- ◆ Bacteria, fungi, moulds, dusts and dust mites
- ◆ Building materials containing VOCs, including carpets
- ◆ Paints, waxes and cleaning products
- ◆ Pesticides, bactericides, herbicides and fungicides
- ◆ Fuels (e.g., propane, natural gas, gasoline, oil, etc.)
- ◆ Lead, radon, asbestos
- ◆ Pets, plants
- ◆ Electromagnetic radiation
- ◆ Foods
- ◆ Other substances not normally thought of as noxious

PART 1

What Are Environmental Sensitivities?

Environmental Sensitivities

- ◆ Many common things can cause adverse reactions
- ◆ Avoidance is the best treatment

A growing segment of the population experiences a variety of adverse reactions to environmental agents at concentrations well below those that might be deemed to affect "average" persons. This atypical reactivity is called environmental sensitivities. Environmental sensitivities have been known to exist since the time of Hippocrates, and have been documented for the past three centuries.¹⁰ It should also be noted that environmental sensitivities have many different etiologies, and that consequently there can be no single test to diagnose them. Subsets of environmental sensitivities are labelled in a way that is descriptive of the site of the reaction, such as "asthma" (lungs), or the mechanism of the reactions, such as "allergy", or the causative agents, such as "multiple chemical sensitivities" or "electromagnetic sensitivity".

Environmental sensitivity (sometimes referred to as "environmental hypersensitivity") has been defined by a distinguished panel of teaching hospital physicians chaired by the former Judge George M. Thomson (formerly Deputy Minister, federal Department of Justice) as:

"... a chronic (i.e. continuing for more than three months) multisystem disorder, usually involving

symptoms of the central nervous system and at least one other system. Affected persons are frequently intolerant to some foods and they react adversely to some chemicals and to environmental agents, singly or in combination, at levels generally tolerated by the majority.... Improvement is associated with avoidance of suspected agents and symptoms recur with re-exposure."¹¹

Many agents can act as triggers:

- ◆ Agents, either naturally occurring or synthetic, in our air, water, food, personal and home care products, fabrics, furnishings; office equipment and supplies and building materials. An example of such airborne agents might be chemicals used or stored in homes, offices, health care facilities, schools, workplaces, farms or industries and vehicles. Other examples include, but are not limited to, pesticides, herbicides and other chemicals; plant material including pollens (grass, trees, domesticated plants, weeds), dusts, moulds, animal dander; foods, micro-organisms, genetically modified foods, etc.
- ◆ Artificial lighting and electromagnetic fields.
- ◆ Heat and cold; weather.

Environmental sensitivities can develop in individuals of any age regardless of whether they have a past history of allergies. The severity of symptoms can range from mild discomfort to total disability or chronic health problems. Symptoms may develop suddenly or slowly.

Environmental sensitivities may become progressively debilitating. Prevention, early detection and treatment are of paramount importance. Treatment of environmental sensitivities focuses on prevention, **prudent avoidance of offending agents**,

appropriate nutrition, supportive counselling and medical interventions.

In 1988, Maxwell Yalden, the Chief Commissioner of the Canadian Human Rights Commission wrote to the Honourable Jake Epp, then Minister of Health and Welfare, stating:

"It is my understanding that [environmental sensitivities are] a true medical problem, and that we owe it to people who have the misfortune to suffer from [these problems] to be more public and more positive in acknowledging that fact.

.....

*"My purpose in writing to you is simply to let [you] know that ... anything your department can do to increase public awareness of the legitimate concerns of people [with sensitivities] would, in our view, be most useful."¹² (See **Appendix A.**)*

The Canadian Medical Association recognizes the existence of environmental sensitivities, and states that *"there are many physicians who are acutely aware of the problems of environmental sensitivities ... have expertise in this area and are addressing the needs of patients with such sensitivities."¹³ (See **Appendix B.**)*

Some of the physical signs and symptoms of environmental sensitivities are shown in the chart on this page.

Performance and Behavioural Signs and Symptoms

Some of the performance and behavioural signs and symptoms of sensitivities can be seen in the chart on the next page.

Such problems make it very difficult for employees to work productively.

Sensitivities affect each individual differently. Symptoms may be mild and merely annoying, or they can be severe enough to interfere with daily activities, career and family life. Severe sensitivities can be life-threatening or fatal.

Physical Signs and Symptoms

- ◆ Recurrent headaches and migraines
- ◆ Irritated eyes and recurrent styes
- ◆ Puffy bags or dark circles under eyes
- ◆ Red ears or ear lobes
- ◆ Frequent ear, nose and throat infections, ringing ears
- ◆ Hoarse throat, laryngitis
- ◆ Recurrent earaches and sinusitis
- ◆ Stuffy, runny and/or itchy nose
- ◆ Coughing, wheezing, chest tightness, breathing difficulties
- ◆ Asthma
- ◆ Anaphylactic shock
- ◆ Urinary and reproductive problems
- ◆ Mouth – metallic taste, dryness, cracking, excessive saliva, skin peeling or blistering
- ◆ Mouth breathing and throat clearing
- ◆ Stomach aches or diarrhea
- ◆ Eczema, hives and other skin rashes
- ◆ Light sensitivity and visual disturbances
- ◆ Numbness, stiffness, pain, weakness, swelling, "arthritic" symptoms of muscles, bones and joints
- ◆ Weakness and dizziness
- ◆ Loss of coordination, seizures, convulsions or tremors

Performance and Behavioural Signs and Symptoms

- ◆ Poor concentration
- ◆ Memory loss
- ◆ Difficulty problem-solving
- ◆ Inconsistent performance
- ◆ Mood and personality changes
- ◆ Recurrent absences
- ◆ Irritability
- ◆ Drowsiness, fatigue
- ◆ Aggression and exhaustion
- ◆ Depression and suicidal tendencies

It is essential that managers, employees, property managers and heating, ventilation and air-conditioning (HVAC) engineers work together to find the best possible environment for the individual employee with environmental sensitivities. Furthermore, accommodation of members of this protected group is required by law.

PART 2

What is Accommodation?

In Canada, the duty to accommodate is based on several sources in law: the applicable human rights legislation (the *Canadian Human Rights Act* and equivalent provincial legislation), equality rights legislation (the *Canadian Charter of Rights and Freedoms* and the *Employment Equity Act* or equivalent provincial legislation), and human rights jurisprudence.

In a recent case, the Supreme Court of Canada has radically changed and broadened the meaning of accommodation. In the *Meiorin*¹⁴ decision, the court clarified the duty of employers to take every step available to them, to the point of undue hardship, to ensure that all their programs and activities are inclusive of the needs of a diverse workforce. Prior to this decision, employers and providers of goods, services and facilities were only required to solve accommodation problems as they arose, on an individual basis, as the problem of a particular individual, not of society. Now, as a result of the *Meiorin* case, employers and providers of goods, services and accommodation are required to proactively review all their programs and activities, including policies, rules, practices, standards, procurement and decisions related to real property, and, to the extent possible, eliminate any existing discriminatory barriers. In other words, they are required to set up their workplaces in such a way that accommodation and access problems do not arise in the first place. What does this mean for employers and building managers? It means that they should ensure that their workplaces and facilities are fully accessible for people with a wide range of disabilities, including environmental sensitivities.

Put simply, the duty to accommodate refers to the obligation of an employer or union or service provider to make every effort, short of undue hardship, to accommodate and eliminate disadvantage to an employee or prospective employee resulting from a rule, practice or physical barrier that has or may have an adverse impact on individuals or groups

protected under human rights legislation, or identified as a designated group under employment equity legislation.

In practice, accommodation requires an individual assessment of the needs of the employee requesting it. In some situations, if the needs of individuals are similar to those of others, it may be possible to establish general policies or practices to accommodate those needs. These accommodation policies and practices could require changes in the terms and conditions of employment to meet the particular needs of the individual or group in question. This may also mean a change in work schedules or special job support, equipment or assistance or a change in job duties. What is needed must be decided with all the relevant parties' participation: the employee, the employer, the unions, co-workers and building managers.

Undue hardship is a high standard to meet. Accommodation measures are to be taken unless no further accommodation is possible without causing undue hardship to the employer. The onus is on the employer to establish that further accommodation or certain accommodation options would have such a serious impact on the workplace that the needed accommodation should not be required. The *Canadian Human Rights Act* provides that "health, safety and cost" are the relevant criteria to determine undue hardship. Provincial legislation contains similar criteria. For example, the *Ontario Human Rights Code* refers to "cost, outside sources of funding, if any, and health and safety requirements".

Further, the courts have held that there are several factors that may be considered in determining whether a particular accommodation would cause undue hardship, including cost, safety risks, employee morale issues, disruptions of collective agreements, interchangeability of the workforce, facilities, and seniority rights. The case law has been clear that minimal efforts are not sufficient nor does minor inconvenience constitute undue hardship.

As a manager, it may occur to you that it is unfair to other employees to give one employee "special treatment". You may think that morale will suffer if you give special treatment to some and not others. You may also be concerned about cost.

Accommodation is not a favour or a courtesy. It is the law. It is not a lowering of standards but a recognition that circumstances may require some fine-tuning to support individual performance on the job. The accommodation requested by an employee who is environmentally sensitive may, in fact, benefit everyone, by improving the environment for all employees, or by providing an open forum for employees, managers, and building managers to explore better ways to work together. Statistics show that the average cost for accommodation for an employee is minimal.¹⁵ Many forms of accommodation for employees with environmental sensitivities will have no cost impact at all, or may actually result in a cost savings.

Relevant Health and Safety Protections

In addition to the protections provided by human rights laws, health and safety legislation and jurisprudence may assist workers who are environmentally sensitive. Under the *Canada Labour Code*, Part II and provincial labour legislation, employees have the right to refuse to work in a place that they believe is dangerous to the employee or to another employee. Provincial statutes contain parallel provisions.

Under federal¹⁶ occupational safety and health regulations, heating, ventilation and air-conditioning (HVAC) systems are required to meet the design requirements of the *ASHRAE Standard 62-2001: Ventilation for Acceptable Indoor Air Quality*. Further, federally regulated employers are required to appoint qualified people to provide instructions for operating, inspecting, testing, cleaning and maintaining the HVAC system,¹⁷ and to develop procedures for air quality investigations in circumstances where the safety or health of an employee is or may be endangered.¹⁸ A federally regulated employer is also required to post the telephone number of a contact person to whom safety or health concerns regarding indoor air quality in the workplace may be addressed.¹⁹

PART 3

Guidelines for Employers

How Can Employers Help Employees with Environmental Sensitivities?

The indoor environment in your workplace will be improved by addressing the following areas of concern.

General (For All Employees)

1. Communication

Open two-way communication between management and staff is to be encouraged, and is essential if suitable accommodation is to be achieved.

- ◆ If the affected employee agrees, an employee's request for accommodation of their environmental sensitivities should be supported by an awareness session with all other employees in the unit, in order to increase workplace understanding of this disability, and to help other employees recognize the difficulties, including hostility, ridicule and disbelief, that may be experienced by a person with environmental sensitivities. (For more information see section 3, **Education**.)
- ◆ Involve all employees, members of the joint occupational safety and health committee and the public health nurse (if available) in the learning process through publications, workshops, conferences, etc.
- ◆ An informal conflict resolution process should be made available to all employees with environmental sensitivities who need or request it, whether or not a formal complaint has been

filed. Managers should inform all employees who request reasonable accommodation of the availability of this process.

2. Scented Products and Smoking

In order to protect employees who are environmentally sensitive, the following steps should be taken:

- ◆ Establish and post a "no-scent" policy in the workplace.
- ◆ It is important to realize that many scented products contain volatile organic compounds, such as alcohol, formaldehyde and other chemicals. Scented products and other chemicals, including fabric softeners, even unscented ones, can trigger symptoms in persons who are environmentally sensitive, including those listed in **Part 1: What Are Environmental Sensitivities?** These reactions affect the health of employees and may effectively prevent workplace access to members of this protected group, contrary to Canadian human rights laws.
- ◆ A "no-scent" policy includes perfume, cologne, after-shave and scented personal care products such as deodorant, shampoos, hair products, cosmetics, soaps, laundry detergents, fabric softeners, etc. Encourage staff not to use scented products. Air smoke-laden and dry-cleaned clothing well before wearing. Avoid scented laundry detergents and **all** fabric softeners.
- ◆ If necessary, managers should discuss the issue of environmental sensitivities personally with individuals who continue to use scented products, making the workplace inaccessible to employees

Accommodating Employees with Environmental Sensitivities

who are environmentally sensitive. In order to satisfy the legal duty to accommodate, managers should insist that such individuals discontinue using the offending products. Remember that not wearing scent is more than mere courtesy, but is based on the legal requirement to accommodate members of this protected group to the point of undue hardship. An employee who refuses to stop wearing perfume should be warned, and if the employee does not comply with the warning, disciplinary measures should follow. As with other forms of discrimination, employees should be encouraged to obey the law.

- ◆ Institute a non-smoking policy requiring smokers to remain at an appropriate distance (at least 30 metres) from building entrances, since it is known that contaminants near ground floor entrances are drawn into the building and circulated throughout the ventilation system due to the "stack effect". Environmental tobacco smoke has been found to be harmful to human health and may trigger reactions in employees who are environmentally sensitive.

3. Education

Education is the key to prevention of environmental sensitivities. People at every level in the workplace must be educated on the needs and rights of persons disabled by environmental sensitivities. The goal of these educational efforts is to avert stigma and prejudicial behaviours such as hostility and unwarranted criticism. Such behaviour often leads to isolation of employees with sensitivities. Their requests for accommodation may be regarded as unreasonable, or, at best, eccentric.

It is important to remember that although environmental sensitivities may be non-evident, they are required by law to be accommodated like any other disability.

Managers and others may deny accommodation because they cannot see this disability, and they do not understand it. Managers and others may attribute symptoms of environmental sensitivities to behavioural or psychological problems. A failure to educate staff, and to help remove the many barriers

faced by employees with environmental sensitivities may have devastating consequences.

A failure to educate staff about the barriers faced by employees with environmental sensitivities can lead to:

- ◆ Further exposure to irritants and sensitizers
- ◆ Worsening of condition
- ◆ Reduced productivity
- ◆ Poor performance ratings
- ◆ High medical and other expenses
- ◆ Financial difficulties
- ◆ Loss of employment
- ◆ Emotional stress, depression
- ◆ Suicide
- ◆ Litigation; disability insurance claims, worker's compensation claims and human rights complaints
- ◆ Increased prevalence of persons disabled by environmental sensitivities

Managers have a duty to inform themselves of the laws governing the duty of accommodation owed to persons with environmental sensitivities. (See **Part 2: What is Accommodation?**)

All managers should receive training on appropriate accommodation of environmental sensitivities.

Educational efforts can help prevent discrimination against employees with environmental sensitivities.

Managers should:

- ◆ Distribute the **Employee Awareness Kit** that accompanies this Guide and other relevant publications to all staff.
- ◆ Arrange for conferences, workshops and informal discussions.

- ◆ Rely on educational resources such as self-help consumer groups, Canada Mortgage and Housing Corporation, the Canadian Human Rights Commission and employee assistance programs. (See **Resource List**.)
- ◆ If an employee has indicated that he or she is environmentally sensitive, and if the employee agrees, arrange for an awareness session with other employees in the unit.
- ◆ Seek legal advice.
- ◆ Seek practical advice on accommodation issues from appropriate resource persons, such as self-help consumer groups, Canada Mortgage and Housing Corporation, heating, ventilation and air-conditioning (HVAC) engineers, property managers and others.

In addition to taking the steps suggested above, managers can help prevent discrimination against employees who are environmentally sensitive through educational efforts, including:

- ◆ Distributing copies of relevant documentation to all staff, such as the **Employee Awareness Kit** that accompanies this Guide;
- ◆ Arranging for awareness sessions, conferences, notices and informal discussions on the subject of environmental sensitivities with emphasis on the legal duty to accommodate, using the resources identified in this document;
- ◆ Educating all staff on the importance of not using scented products in order to avoid employee reactions and to remove barriers to workplace access (see section 2, **Scented Products and Smoking**);
- ◆ Involving all employees, employee assistance programs, members of the joint occupational safety and health committee and a public health nurse (if available) in the learning process through workshops, conferences, etc.

4. Employee Notification System and Registry

ALL employees should be notified in advance by building management of construction, remodelling and cleaning activities, including the use of materials containing volatile organic compounds such as those found in paints, cleaning products, adhesives, solvents, ammonia, chlorine bleach, tar, pressed board, carpeting, wall coverings, carpet shampoo, floor waxes and pesticides. In the case of offices located in leased properties or facilities operated by a landlord or other third party, the implementation of this notification system will require the active participation and cooperation of the relevant building management.

Conspicuous notices of building projects and maintenance activities should be posted at building entrances, where possible, with the cooperation of building management.

An employee notification system, in conjunction with a confidential registry of individuals who have self-

Some Educational Resources

(See also Resource List)

- ◆ Canada Mortgage and Housing Corporation
700 Montreal Road
Ottawa, ON K1A 1E1
- ◆ Canadian Human Rights Commission
Human Rights Promotion Branch
320 Queen Street
Place de Ville, Tower "A"
Ottawa, ON K1A 1E1
- ◆ Self-help consumer groups

Action Plan for Employees with Environmental Sensitivities

- ◆ Improve indoor air quality (see companion document, **Guidelines for Building Managers**)
- ◆ Additional accommodations may include:
 - ⇒ suitable office location
 - ⇒ carpet-free office
 - ⇒ windows that open, if appropriate
 - ⇒ tolerable furniture, cleaning products and supplies
 - ⇒ low-EMF equipment or shields
 - ⇒ HEPA filter air cleaner
- ◆ Offer flexible work options

identified as being environmentally sensitive, should be implemented. In accordance with the requirements of privacy legislation and government or employer policy, this registry should be used solely for the purpose of providing notification of building events to the identified employees for occupational safety and health purposes, in accordance with the *Privacy Act* (Canada) or applicable provincial privacy legislation and the *Occupational Safety and Health Policy* published by the Treasury Board of Canada Secretariat, or other applicable policies.

A supervisor responsible for an employee who is environmentally sensitive must ensure that the employee is personally notified of cleaning or remodelling activities directly affecting the employee, in order to prevent injury and illness.

5. Specific Accommodations for Employees with Environmental Sensitivities

Employers should recognize that sensitivities vary significantly. What one sensitive individual tolerates, another may not. We should also recognize that the same individual's tolerances will vary from one day to the next depending on their exposure profile and history. It may happen that the kind of accommodation needed will be temporary or a one-time accommodation cost or arrangement. Although

How an Effective Self-identification Registry Would Function

An employee who has environmental sensitivities has self-identified and requested personal notification of building maintenance and renovation activities. She has been on vacation for several weeks and so has not received an e-mail notice that was sent to all employees informing them that solvent glues will be used to apply vinyl wall coverings throughout the building. On the day the employee is scheduled to return from vacation, remodelling will take place on the floor where her office is located. The day before the employee returns to work, her supervisor (or a person designated by the supervisor) telephones her at home to advise her of the remodelling activities. The employee and her supervisor then agree as to the best solution in the circumstances. For example, the employee could work at home for a few days to avoid illness. Better still, more tolerable construction and remodelling materials, including low-VOC paints, or cellulose wallpaper and low-VOC glues, could have been used in the first place.

not every employee will need all of the accommodations suggested here, or other accommodations, management should provide the following general accommodations for employees who are environmentally sensitive, at the employee's request, without requiring a medical certificate:

- a) Managers should check with employees who are environmentally sensitive before permitting new substances into the workplace.
- b) If possible, managers, in cooperation with building management, should consult with employees who are environmentally sensitive in an attempt to identify problematic irritants and to remove problems at their source.
- c) Managers should assign employees who are environmentally sensitive to carpet-free offices if requested by the employee.
- d) Managers should assign employees who are environmentally sensitive to a closed office or other suitable location that is located away from pollution sources such as photocopiers, fax machines, printers and vehicle exhaust.
- e) Managers, in cooperation with building management, should provide a well-ventilated space, with sufficient fresh air. Managers should locate employees who are environmentally sensitive in offices near a window for natural light and ventilation, if appropriate to the needs of the individual employee. To the extent possible, managers should reassign windowless offices for non-employee uses.
- f) Managers, in cooperation with building management, should provide tolerated furniture and supplies that have sufficiently off-gassed – usually at least two years old – if the individual requires this. The furniture should not be so old as to harbour dust or mould. Real wood or metal furniture are preferred choices.
- g) Managers should provide suitable books and other documents – neither brand new because of off-gassing from ink, paper or glue, nor too old because of moulds, dust and mites. Mildewy files and books should be destroyed or stored off-site. Technology is available, such as microfiche or computer tape, to eliminate the need for long-term storage of paper documents.
- h) Electronic non-polluting news services are available and, where possible, should be used as an alternative to storing newspapers (with inks that off-gas) in office spaces. If necessary, store newspapers, winter coats and boots in a ventilated central storage area or closet at or near the office entrance.
- i) Managers and staff should avoid known allergens or triggers such as volatile organic compounds, pets, plants and chalk dust. Whiteboards and flipcharts should be used with tolerated water-based markers as an alternative to chalkboards.
- j) Managers should not permit the use of cleaning products or office supplies that contain volatile organic compounds, such as glass cleaners, correction fluid and solvent-based markers. Instead, staff should use tolerated alternatives, including unscented, non-toxic cleaning products, unscented, water-based markers, and dry correction tape. Any repairs or cleaning of office equipment (such as fax machines, photocopiers or printers) requiring the use of solvent-based products should be done off-site.
- k) Managers should provide low electromagnetic field (EMF) equipment, flat screens or grounded shields for computers, or a combination of these two solutions, if appropriate to the needs of the individual employee. Low-EMF monitors are becoming standard in the workplace, and as a result, prices for this type of equipment are falling. Alternatively, a laptop equipped with a liquid crystal display (LCD) screen and rechargeable batteries may be used to reduce exposure to EMFs. Laptops may also be equipped with grounded shields.
- l) Managers should provide a portable air purifier equipped with a HEPA filter or other high-efficiency multi-stage filter and tolerated filtration materials, if appropriate to the needs of the individual employee. (Note that individual tolerances vary. For example, some individuals are unable to tolerate activated charcoal filters, but may tolerate cotton, paper, potassium permanganate, or a combination of these filtration media.)
- m) Managers and staff should recognize that some foods and even food aromas can trigger health

Accommodating Employees with Environmental Sensitivities

and emotional stresses for employees with environmental sensitivities.

- (n) Managers should designate an employee and a back-up person who has learned the required emergency procedures for employees' reactions to allergens, if necessary.

PART 4

Guidelines for Managers

How Can a Manager Help an Employee with Environmental Sensitivities?

As noted above, managers have a duty to inform themselves of the laws governing the duty of accommodation owed to persons with environmental sensitivities. (See **Part 2: What is Accommodation?**)

What Managers Can Do

- ◆ Be aware that sensitivities are individualistic and variable
- ◆ Be aware of employee needs
- ◆ Engage in open two-way communication
- ◆ Know emergency procedures
- ◆ Be knowledgeable about indoor air quality and triggers affecting employees who are environmentally sensitive
- ◆ Remove known allergens
- ◆ Promote and use unscented products

Managers should be familiar with the recommendations in this Guide, especially in **Part 3: Guidelines for Employers** and the companion document, **Accommodating Employees with Environmental Sensitivities: Guidelines for Building Managers**. You must recognize that sensitivities are highly individualistic and variable. Each case will likely require a different solution.

Not everyone who experiences these conditions will need accommodations to perform their job, while others may need only a few. The specific accommodations suggested in this document may not be the only options available, and must be evaluated on an individual basis, working closely with the person who is environmentally sensitive.

Tact and sensitivity should be exercised at all times in discussions of matters affecting employees who have environmental sensitivities.

In making accommodations, the priority, where possible, is to adjust the physical work environment so that the employee can work productively while remaining co-located with his or her colleagues. If this is not possible, flexible work arrangements may need to be adopted.

What Managers Should Do

- ◆ Remember that the goal of accommodation is to enable the employee to remain a productive member of the office team.
- ◆ Offer flexible work options, when requested or if appropriate, including telework or flex time in order to accommodate the highly individual nature of environmental sensitivities, in accordance with the Treasury Board of Canada Secretariat *Telework Policy*, or other relevant policy. Managers who refuse to approve a

Accommodating Employees with Environmental Sensitivities

telework request to accommodate an employee's environmental sensitivities should provide reasons in writing.

- ◆ Promote open communication with employees.
- ◆ Review the employee's health needs as presented by the employee, as well as any available information that describes the nature of the employee's disability and the need for specific accommodations.
- ◆ Address the person's abilities and limitations, and if possible, attempt to identify problematic irritants in order to remove the problem at its source. It is not always possible to identify irritants, but this is not sufficient reason to discontinue efforts to find appropriate accommodation.
- ◆ Keep in mind that the person requiring the accommodation must be accorded full participation in the decision-making process and must agree to any planned accommodations. Remember that the person with environmental sensitivities is often the best expert on his or her own disability. The person must be able to give input and feedback on the accommodations at every stage of the process. Any accommodation provided should validate the employee and make them feel that their needs are worthy.
- ◆ In the search for individualized accommodation, you and the affected employee should actively seek opportunities to work together with appropriate resource persons, such as building management, employee assistance programs and Human Resources, and to test a range of solutions.
- ◆ Remember that any accommodation (including transfers) should be considered on a trial basis and that there must be opportunities to change or adjust the accommodations. Accommodations that seem acceptable at first may be found to be unworkable after a few days or even a few months.
- ◆ Exercise care in making decisions to transfer employees who are environmentally sensitive to other posts or locations. Any decision to transfer must be appropriate for the affected employee and must be agreed to by both the manager and the employee. A transfer that does not improve the employee's situation should not be considered. Examples of inappropriate transfers would include a transfer to a recently constructed or renovated building, or to an office formerly used for a purpose that makes it now unsuitable for an employee who is environmentally sensitive, such as a photocopier room, kitchen or storage room for cleaning products.
- ◆ If the employee who is environmentally sensitive agrees, hold an awareness session with other employees in the unit, using the resources identified in this document, as soon as possible after an employee has self-identified.
- ◆ Help prevent discrimination against employees who are environmentally sensitive by:
 - ⇒ distributing copies of relevant documentation such as the **Employee Awareness Kit** that accompanies this Guide to all staff;
 - ⇒ arranging for workshops, conferences, notices and informal discussions, etc., on the subject of environmental sensitivities with an emphasis on the legal duty to accommodate.
- ◆ Be knowledgeable about indoor air quality and other factors affecting employees who are environmentally sensitive.
- ◆ Arrange for an indoor air quality (IAQ) audit and an assessment of the heating, ventilation and air-conditioning system in the workplace.
- ◆ Provide copies of the results of all indoor air quality testing to employees on request.
- ◆ Seek advice from legal counsel before deciding whether sufficient steps have been taken to accommodate the employee with environmental sensitivities and whether the test of undue hardship has been met.
- ◆ Promote the workplace scent-free policy discussed in **Part 3: Guidelines for Employers.**

Discuss the issue of environmental sensitivities personally with individuals who continue to use scented products, creating a barrier to the workplace for members of this protected group. Insist that such individuals discontinue using the offending products, consistent with the duty of accommodation owed to employees protected from discrimination on the grounds set out in Canadian human rights laws.

- ◆ Promote and implement the recommendations in **Part 3: Guidelines for Employers** and in **Part 3** of the companion document, **Accommodating Employees with Environmental Sensitivities: Guidelines for Building Managers**.

PART 5

Guidelines for Employees

You can and should assist your employer in complying with the legal duty to accommodate employees with disabilities. There are many ways to help eliminate workplace barriers to fellow workers who are environmentally sensitive and to make it easier for them to work productively. If one of your fellow employees is environmentally sensitive, you should observe the following general rules:

- a) Remember that although environmental sensitivities may be non-evident, they are required by law to be accommodated like any other disability.
- b) Understand that your employer has a legal duty to provide accommodation to employees with disabilities, including workers with environmental sensitivities. You, as a co-worker, are an important part of the accommodation process. Without your participation and cooperation, an employee who is environmentally sensitive may not be able to achieve the accommodation they require to continue to be a productive member of the workplace team.
- c) Understand that employees who receive accommodation because of their sensitivities are not receiving a favour or "special treatment". Rather, accommodation is a right under the law.
- d) Be aware that employees with sensitivities may require accommodations that may seem unusual to you. These accommodations could include a well-ventilated, closed office that is carpet-free, equipped with a portable air purifier, located near a window (preferably one that opens) and away from pollution sources such as photocopiers, fax machines, printers and vehicle exhaust. Your co-worker who is environmentally sensitive may also require older furniture, and may not be able to tolerate newspapers, or mouldy files and books.
- e) Check with employees who are environmentally sensitive before bringing new substances into the workplace.
- f) Avoid the use of products that contain volatile organic compounds (VOCs), such as cleaning products and office supplies, including correction fluid and solvent-based markers. Instead, use tolerated alternatives including unscented, non-toxic cleaning products; unscented, water-based markers; and dry correction tape.
- g) Recognize that foods and even food aromas can trigger health and emotional stresses for employees with environmental sensitivities.
- h) Do not use scented products. Respect any "no-scent" policy that has been established in your workplace. Whether or not you are aware of it, if you wear scent, you are creating a barrier to workplace access for employees who are environmentally sensitive, contrary to Canadian human rights laws.
 - ⇒ It is important to realize that many scented products contain volatile organic compounds, such as alcohol, formaldehyde and other chemicals. Scented products and other chemicals, including fabric softeners – even unscented ones – can trigger symptoms in persons with environmental sensitivities, such as those listed in the charts in **Part 1: What Are Environmental Sensitivities?**, entitled "Physical Signs and Symptoms" and "Performance and Behavioural Signs and Symptoms". These reactions affect the health of employees. Some of the triggers for these reactions are set out in the chart in the **Introduction** to this Guide, entitled "Toxins/Irritants/Sensitizers".
 - ⇒ A "no-scent" policy includes perfume, cologne, after-shave and scented personal

Accommodating Employees with Environmental Sensitivities

care products such as deodorant, shampoos, hair products, cosmetics, soaps, hand creams, laundry detergents, fabric softeners, etc. Air smoke-laden and dry-cleaned clothing well before wearing. Avoid scented laundry detergents and all fabric softeners.

- i) Do not smoke near building entrances. It is known that contaminants near ground floor entrances are drawn into the building and circulated throughout the ventilation system due to the "stack effect". Environmental tobacco

smoke has been found to be harmful to human health and may trigger reactions in employees who are environmentally sensitive.

- j) If requested by your manager, learn the required emergency procedures for employees' reactions to allergens.
- k) Participate in the education process through workshops, conferences and publications provided by your employer.

A Note to Managers

You are encouraged to distribute to all employees copies of the **Employee Awareness Kit** which includes the information contained in this Part of the Guide.

CONCLUSION

Environmental Sensitivities – The Hidden Costs

Environmental Sensitivities – The Hidden Costs

- ◆ Employee attitude
- ◆ Concentration
- ◆ Health costs
- ◆ Job performance
- ◆ Absenteeism
- ◆ Vision
- ◆ Learning ability
- ◆ Total cost of production

Generally accepted indoor air quality standards can place employees at risk. Indoor air quality-related illnesses are not readily diagnosed by doctors. If employers and others fail to acknowledge these symptoms, the result will be avoidable sick leave expenses, lost productivity and possible liability for damages and human rights violations suffered by employees. One way or another, poor indoor air quality results in high costs to employers, and to the employees who suffer from sensitivities.

Providing clean, safe office accommodation for employees will improve their attendance, their ability to work productively and will also help them on their journey to wellness. Moreover, changes made to accommodate the needs of employees with environmental sensitivities will benefit all staff by providing improved workplace environments.

By working together, we can create healthier environments for ALL, and accommodate the needs of persons who have environmental sensitivities.

Endnotes

1. National Academy of Sciences, "Workshop on Health Risks from Exposure to Common Indoor Household Products in Allergic or Chemically Diseased Persons", cited by Nicholas A. Ashford and Claudia S. Miller in the introduction to *Chemical Exposures: Low Levels and High Stakes* (2nd ed., 1998), p. xxii.
2. "Productivity: Important Consideration, But Difficult to Measure", *IEQ Strategies*, December 1999, p. 3.
3. *Ibid.*
4. Bruce M. Small, "Recommendations for Action on Pollution and Education in Toronto: A Report Prepared for the Pollution and Education Review Group of the Board of Education for the City of Toronto", a consultation paper, May 1985, pp. 56–57.
5. American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., *ASHRAE Standard 62–2001, Ventilation for Acceptable Indoor Air Quality*, Atlanta, GA, 1999, section 2.3, p. 3.
6. Tedd Nathanson, *Guide for Indoor Air Quality: Investigative Services*, Public Works and Government Services Canada, May 1995, p. 1.
7. J.Kirkbride, H.K. Lee, and C. Moore, "Health and Welfare Canada's Experience in Indoor Air Quality Investigations", *Indoor Air '90: Proceedings of the 5th International Conference on Indoor Air Quality and Climate, Toronto, 1990*, Vol. 5, pp. 99–106, at pp. 104, 106.
8. Ontario Workers Compensation Board, Database of Lost-time Claims, 1988–1992, cited by Rob Robinson, "Indoor Environment: Healthy Air Means Higher Productivity", *Engineering Dimensions*, May/June 1992, p. 19, endnote 2.
9. United States Environmental Protection Agency, Indoor Air Quality (IAQ) Home Page, Office of Radiation and Indoor Air, Indoor Air, *IAQ Tools for Schools* <<http://www.epa.gov/iaq>>; See also: R.W. Bell *et al.*, *The 1990 Toronto Personal Exposure Pilot (PEP) Study* (Toronto: Queen's Printer for Ontario, 1991), p. 11.
10. G.A. Ulett, M.D., Ph.D., "Food Allergy – Cytotoxic Testing and the Central Nervous System", *Psychiatric Journal of the University of Ottawa*, Vol. 5, No. 2 (June 1980), p. 100.
11. George M. Thomson, *Report of the Ad Hoc Committee on Environmental Hypersensitivity Disorders* (Toronto: Family Division, Ontario Provincial Court, August 1985).
12. Letter from Maxwell Yalden, Chief Commissioner, Canadian Human Rights Commission to the Honourable Jake Epp, Minister of Health and Welfare, dated August 3, 1988 (see **Appendix A**).
13. Letter from Dr. Carole A. Guzman, Associate Secretary General, Canadian Medical Association, dated January 22, 1996 (see **Appendix B**).
14. *British Columbia Government and Service Employees' Union v. Government of British Columbia as represented by the Public Service Employee Relations Commission, et al.* [1999] 3 S.C.R. 3.
15. Canadian Human Rights Commission web site <<http://www.chrc-ccdp.ca>>, "Barrier-Free Employers"; Job Accommodation Network web site, "Accommodation Benefit/Cost Data" <<http://janweb.iedi.wvu.edu>>.
16. *Canada Occupational Safety and Health Regulations*, s. 2.21.
17. *Ibid.*, s. 2.24–2.25.
18. *Ibid.*, s. 2.27.
19. *Ibid.*, s. 2.26.

Resource List

Organizations Representing Persons with Environmental Sensitivities

H.E.L.P. Saskatchewan (branch of H.E.A.L.)
15 Olson Place, Regina, SK S4S 2J6
(306) 584-2835
Contact: Paule Hjertaas

Canada Mortgage and Housing Corporation
700 Montreal Rd, Ottawa, ON K1A 0P7
(613) 748-2000
Regional offices in every province and territory.

Canadian Human Rights Commission
Human Rights Promotion Branch
320 Queen St, Place de Ville, Tower "A"
Ottawa, ON K1A 1E1
(613) 995-1151

Canadian Lung Association
3 Raymond St, Suite 300
Ottawa, ON K1R 1A3
Chapters: Alberta, British Columbia, Manitoba,
New Brunswick, Nova Scotia, Ontario,
Prince Edward Island, Quebec and Saskatchewan.
(613) 569-6411, fax: (613) 569-8860
<<http://www.lung.ca/>>
Contact: Mary Pat Shaw

Canadian Society for Environmental Medicine
Suite 506, 2197 Riverside Dr, Ottawa ON K1H 7X3
(613) 523-0108

Associations by Province

Alberta

Alberta Lung Association
Box 4500, Station South
Edmonton, AB T6E 6K2
(780) 407-6819, fax: (780) 407-6829
Contact: Tracy Bertsch

Society for Environmental Health and Housing
Box 74, Site 22, R.R. #12
Calgary, AB T3E 6W3
(403) 240-2494
Contact: Ethel Patrick

British Columbia

Allergy and Environmental Health Association
(Victoria Branch)
(also known as Ecological Health Alliance)
1019 Lodge Avenue, Victoria, BC V8X 3B1
(604) 384-8892
Contact: Katy Young

British Columbia Lung Association
2675 Oak Street, Vancouver, BC V6H 2K2
(604) 731-5864, fax: (604) 731-5810
Contact: Scott McDonald

Manitoba

Allergy and Environmental Health Association
(Winnipeg Branch)
63 Greensboro Bay, Winnipeg, MB R3T 4K9
(204) 339-1609
<pawlychka@hotmail.com>
Contact: Colleen Pawlychka

Accommodating Employees with Environmental Sensitivities

Manitoba Lung Association
629 McDermot Avenue, 2nd Floor
Winnipeg, MB R3A 1P6
(204) 774-5501, fax: (204) 772-5083
Contact: John Hutchings

New Brunswick

Allergy and Environmental Health Association
(New Brunswick Branch)
112 Leaside Drive, Moncton NB E1C 4L5
(506) 384-2178
Contact: Murray McInnis

New Brunswick Lung Association
Victoria Health Centre, Suite 257
65 Brunswick Street, Fredericton, NB E3B 1G5
(506) 455-8961, fax: (506) 462-0939
Contact: Ken Maybee

Newfoundland

Newfoundland and Labrador Lung Association
Post Office Box 5250, Stn C
St. John's, NL A1C 5W1
(709) 726-4664, fax: (709) 726-2550
Contact: Peggy Johnson

Nova Scotia

Citizens for A Safe Learning Environment (CASLE)
287 Lacewood Drive, Unit 103, Suite 178
Halifax, NS B3M 3Y7
(902) 457-3002, (902) 861-1851 (902) 885-2395
<am077@chebucto.ns.ca>
<www.chebucto.ns.ca/Education/CASLE>

Contact: Karen Robinson
Nova Scotia Allergy and Environmental Health
Association
P.O. Box 31323, Halifax, NS B3K 5Y9
1-800-449-1995
<www.environmentalhealth.ca>
Contact: Eric Slone

The Nova Scotia Environmental Health Centre
P.O. Box 2130, Fall River, NS B2T 1K6
(902) 860-0057, fax: (902) 860-2046
<<http://www.nsehc.com/>>
Contact: Dr. Roy Fox

Nova Scotia Lung Association
17 Alma Crescent, Halifax, NS B3N 3E6
(902) 443-8141, fax: (902) 445-2573
Contact: Bill VanGorder

Ontario

Allergy and Environmental Health Association
(Kitchener Branch)
513 Quiet Place #2, Waterloo, ON N2L 5L6
(519) 885-2803
Contact: Donna Keddie

Allergy and Environmental Health Association
(Ottawa Branch)
Ottawa RPO Shopp/West Box 33023
Nepean, ON K2C 3Y9
(613) 860-AEHA
Contact: Barbara Leimsner

Environmental Health Clinic
Women's College Hospital
76 Grenville Street, Toronto, ON M5S 1B2
1-800-417-7092, fax: (416) 323-7314
Contact: Gloria Fraser, R.N.

Ontario Lung Association
573 King Street East, Suite 201
Toronto, ON M5A 4L3
(416) 864-9911, fax: (416) 864-9916
Contact: Ross Reid

Prince Edward Island

P.E.I. Lung Association
1 Rochford Street, Suite 2
Charlottetown, PE C1A 9L2
(902) 892-5957, fax: (902) 368-7281
Contact: Vicky Bryanton

Quebec

Quebec Lung Association
800, de Maisonneuve Est, bureau 800
Montreal, QC H2L 4L8
(514) 287-7400, fax: (514) 287-1978

Saskatchewan

H.E.L.P. Saskatchewan (Branch of H.E.A.L.)
15 Olson Place, Regina, SK S4S 2J6
(306) 584-2835
Contact: Paule Hjertaas

Lung Association of Saskatchewan
1231 – 8th Street E., Saskatoon, SK S7H 0S5
(306) 343-9511, fax: (306) 343-7007
Contact: Dr. Brian Graham

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Appendix A

August 3, 1988

The Honourable Jake Epp, P.C., M.P.
Minister of Health and Welfare
Brooke Claxton Building
Tunney's Pasture
Ottawa, Ontario
K1A 0K9

My dear Minister:

The Commission has recently been contacted by _____, with whom I think your office may already be familiar. _____ suffers from environmental hypersensitivity, and is concerned that the nature of that complaint has not been sufficiently recognized by government authorities and that this, in turn, has added to the social and professional hardships which he and other sufferers from this condition are subject to.

Some years ago, _____ lodged a complaint with the Canadian Human Rights Commission; the Commission did not feel the complaint could properly be dealt with under the Canadian Human Rights Act. I am sure it was not the Commission's intention at the time to question the authenticity of _____'s condition. It is my understanding that environmental hypersensitivity is a true medical problem, and that we owe it to people who have the misfortune to suffer from this syndrome to be more public and more positive in acknowledging that fact.

As you know, _____ recently brought _____ concerns to the Standing Committee on National Health and Welfare, where he received a sympathetic hearing (HC Issue No. 48, May 26, 1988). On that occasion, _____ expressed the hope that the Health Minister would state publicly that he is sympathetic to the plight of those who suffer from environmental hypersensitivity and considers their concerns legitimate.

My purpose in writing to you is simply to let you know that we consider this request a reasonable one and that anything your department can do to increase public awareness of the legitimate concerns of people like _____, would, in our view, be most useful.

Yours sincerely,



Maxwell Yalden
Chief Commissioner
Canadian Human Rights Commission
90 Sparks Street, Ottawa, ON K1A 1E1

Appendix B

January 22, 1996

Dear _____ :

In your letter of January 13, 1996, you make some erroneous statements which need to be corrected. At no time has the CMA encouraged the media or others to think of the concerns of those individuals with environmental sensitivities as synonymous with those of practitioners whose methods are unacceptable or not mainstream. We have not made any public statements on alternative therapies other than that the term "alternate" for alternative therapies covers a wide spectrum of activities, some of which are becoming more accepted into usual medical practice and others that are devoid of any evidence of therapeutic value to patients.

I am glad that you do accept that there are many physicians who are acutely aware of the problems of environmental sensitivities and have expertise in this area and are addressing the needs of patients with such sensitivities. I am sorry that you think that the prevailing impression is that organized medicine does not consider the health complaints of these consumers legitimate.

I am sure that you agree that confusing individuals with health problems with therapies used to address them is counter-productive and leads neither to a better understanding of complex problems nor of better care for individuals.

Yours sincerely,



Carole A. Guzman, M.D., FRCPC
Associate Secretary General
Canadian Medical Association
P.O. Box 8650, Ottawa, ON K1G 0G8
1867 Alta Vista, Ottawa, ON K1G 3Y6

cc: John Krauser, Ontario Med Assoc
John Dwyer, CHRC
John Molot, CSEM