

## Page 152, Building Your Understanding

### 1. Define “*bona fide* occupational requirement,” providing examples from three different professions.

A *bona fide* occupational requirement is a qualification that would normally be considered discriminatory but is necessary for the proper or efficient performance of the job. Some examples might be

- having perfect eyesight to be a pilot
- being bilingual to work in the federal civil service
- being able to lift heavy objects in order to be a construction worker

### 2. How would you justify hiring someone with equal qualifications on the basis of affirmative action?

Justifications might include

- society owes a debt to groups that have been socially disadvantaged
- affirmative action allows certain groups to “catch up,” compensating for missed opportunities in the past
- society as a whole benefits; for example, when a police force hires an officer of Chinese or Aboriginal descent to serve the Chinese or Aboriginal community, that officer might be particularly effective because he or she shares the same language and cultural background; the officer could also serve as a positive role model for the young people of that community

### 3. Using examples, distinguish between constructive discrimination and direct discrimination.

Constructive discrimination refers to employment policies that inadvertently exclude certain individuals. For example, if a fire department has a minimum height requirement that effectively excludes most women and visible minorities then this would constitute constructive discrimination.

Direct discrimination, on the other hand, is not inadvertent as it tends to be an overt act such as refusing to hire someone because he or she is a member of a particular group. One example would be refusing to hire a woman to work on a construction crew simply because she was a woman, even if she had the credentials for the job.

### 4. Explain the term *accommodate* as it applies to employers and employees.

An employer must take reasonable measures to meet the special needs of an employee. An example would be allowing someone to work an alternative shift if that person requested a specific day off for a religious observance.

**5. What can an employer do to ensure that the conduct of employees does not constitute harassment of a co-worker?**

To ensure the conduct of employees does not constitute harassment, an employer should respond quickly and decisively to all legitimate complaints. This type of response could include verbal or written warnings to the employee. If the unacceptable conduct continues, the employee could be put on probation or dismissed from employment.

**6. What three factors are considered when trying to determine if undue hardship exists in accommodating the needs of persons with disabilities?**

The three factors that are considered are economic viability of a business, the health of the individual, and the safety of the individual.

**7. How does undue hardship affect the employer's duty to accommodate?**

If an employer can prove that accommodating the special needs of an employee will threaten the economic viability of the company or create a health or safety risk, the employer will not be required to accommodate the employee's special needs.

**8. Provide examples of facilities or programs available in schools to accommodate the needs of students with physical or learning disabilities.**

Some examples of facilities or programs available in schools to accommodate the needs of students with physical or learning disabilities include: wheelchair-accessible classrooms, special education programs, extra time allowed to write exams, student withdrawal for extra help, modified assignments, additional written and oral assistance, and exemption from some evaluation tools.