

The Question: Do employees with peanut allergy have any "rights" with respect to the workplace? For example, is there any legislation that requires cafeterias to provide peanut-free food, or employees to refrain from bringing peanuts or peanut products to work?

Response from ESAO.

Your question was a difficult one. We have discussed the comments below with the MOL and with Healthcare Health and Safety Association.

The Worker should request the JHSC to review current policies and procedures on current food allergies in the workplace.

The Worker should obtain a note from their doctor indicating level of severity for the allergy and any suggested accommodations and give a copy to the employer.

The employer should accommodate the disability.

If either party does not feel that the accommodation is sufficient or possible, they can ask the MOL to investigate.

Issues

This is a medical Condition and the individual is responsible for protecting himself or herself. They are responsible for wearing the appropriate medical alert, ensuring people around them know of this condition, know the signs or symptoms and what to do in case of an emergency. The worker is also responsible for his or her own medication.

It is impossible to guarantee a peanut free environment as anyone could enter the room and inadvertently contaminate the room. To infer that it is peanut free could do more harm than good, as there would be a false sense of security. These individuals with this allergy can never let their guard down at work, home or in the public.

Possible accommodations could be posting the signs, symptoms and emergency procedures any where that food is being consumed. Restrict where food can be consumed and explain why.

The Ministry of Education required boards to implement anaphyltic programs for students. Perhaps this could be expanded to include staff as well.