
Scenario 4

Read the scenario and answer the questions that follow.

Ben Marshall is a 33 year old Mi'kmaq man. Ben works at Mainland Events, where employees work with organizations, and corporations within Nova Scotia to plan events. Some employees work mainly out of the office picking up food, props, and setting up for the events. Most employees, including Ben, work in an office setting speaking with clients, then creating and organizing the event plans. Ben is still new at this position, and has only being there four months.

Ben suffers from Post-Traumatic Stress Disorder (PTSD), which has recently been triggered the past few months. As part of his healing, Ben needs to smudge and speak with his Elder (over the phone) as needed throughout the day. During the work day, Ben usually needs one to two 10 minute breaks, in addition to his 30-minute lunch break, to accommodate his spiritual needs. Ben has discussed this with his manager and has gotten her approval. He has not discussed it with his team members.

Some of the team members have noticed his frequent breaks, and have been discussing it amongst themselves. Comments such as, "It must be nice to get paid to take so many breaks." Have been heard. Ben is aware of the discussions, and wants to arrange a meeting with his manager and his team members to explain the reason behind the frequent breaks.

Questions

- 1) Are the breaks a reasonable accommodation?
- 2) Does the employee owe their team an explanation of their breaks?
- 3) How do you think the team will react to the reason behind the breaks?
Will they be understanding or resentful - why or why not?
- 4) Should the employee be made to use their designated lunch time or breaks for the time they need off?
- 5) Would the breaks like this be covered under the Nova Scotia Human Rights Act, why or why not?