



Canadian
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droits de la personne

Environmental sensitivities and scent-free policies

A guide for federally regulated employers and service providers

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What you need to know

About environmental sensitivities

Environmental sensitivity is an umbrella term that describes a number of conditions where people experience negative health effects from triggers present in the air around them. For instance, people with allergies or asthma, as well as those with various disabilities, such as multiple chemical sensitivity, myalgic encephalomyelitis/chronic fatigue syndrome or fibromyalgia can have a much lower tolerance than other people for environmental triggers like poor air quality, chemicals, perfumes or other scents.

People with environmental sensitivities have a right to protection from environmental triggers that can provoke negative health effects, such as an allergic reaction or an asthma attack. The presence of environmental triggers can create barriers to their full participation in society.

Because environmental sensitivity is invisible, people are often not aware of it or misunderstand it.

Understanding the legislation

In Canada, the human rights of people with environmental sensitivities are well protected by federal and international laws.

The Canadian Human Rights Act protects people with disabilities from discrimination. This includes people with environmental sensitivities. As a federally regulated employer or service provider, you have a legal duty to accommodate the needs of workers, contractors, customers and clients with environmental sensitivities up to the point of [undue hardship](#).

The Accessible Canada Act also requires employers and service providers to proactively identify, remove and prevent barriers to ensure that people with disabilities can fully participate.

The UN Convention on the Rights of Persons with Disabilities, which Canada has agreed to follow, also promotes and protects the human rights of people with disabilities. These include the right to live free from discrimination, the right to an accessible work environment and to reasonable accommodation in the workplace.

Employers and service providers must ensure that their facilities are accessible and safe. In the case of environmental sensitivities, this includes:

- implementing and enforcing a scent-free policy
- using appropriate products such as those that are the least toxic and are scent-free
- notifying workers and clients before construction or maintenance work

These measures can prevent injuries and illnesses and reduce health and safety risks.

About scent-free policies

Scent-free policies, also known as fragrance-free policies, are important to have in the workplace, just like any other accessibility measure such as ramps or automated doors. They help to remove barriers to participation in the workplace. They apply to all workers and are intended to protect the health and safety of workers with environmental sensitivities.

Creating a scent-free policy

To foster inclusion in the workplace, it is important that everyone in the organization understands the need for a scent-free policy, and what it includes.

Your scent-free policy should:

- ✓ apply to all employees and non-employees alike (i.e. contractors, clients, customers, and visitors)
- ✓ describe the types of products that people should avoid using in the workplace
- ✓ inform on good practices for choosing safe and healthy products
- ✓ let workers know that if their environmental sensitivity is being triggered, they need to inform their employer so that accommodation can take place
- ✓ be flexible and be adaptable to the changing needs of the workplace (e.g. accommodating food allergies by restricting certain items or designating a location where they can safely be consumed)
- ✓ raise awareness about the overall goal of reducing chemicals and emissions, and using scent-free products to avoid environmental triggers in the workplace
- ✓ include measures for when workers do not comply with the policy (e.g. performance management up to and including disciplinary action)

While scent-free policies are an important way to accommodate people with environmental sensitivities, you should always remain open to other accommodation options and continue to approach the issue collaboratively.

How to implement a scent-free policy

Awareness is key. You should take every measure to ensure that workers are aware of their obligation to be scent-free and to minimize triggers in the air, and the importance of complying with the policy.

You might consider:

- ✓ including the scent-free policy in every worker's job offer
- ✓ installing signage in the workplace, particularly at entry points, stating that it is a scent-free environment
- ✓ notifying visitors and clients on your public website that your environment is scent-free
- ✓ including reminders in meeting invitations

Another vital part of implementing a scent-free policy is promoting a psychologically healthy, safe, and respectful environment. This means making sure that everyone in the organization feels at ease expressing their needs, their ideas and their concerns, without fear.

Your role vs. the role of the worker

Employers and service providers have a responsibility under the Accessible Canada Act (ACA) to consult people with disabilities and make concrete plans to identify, remove and prevent barriers to the full participation of people with disabilities in their organizations. Scent-free policies can be an important part of an inclusive workplace and should be part of the accessibility planning process. The consultation process under the ACA can help to create a respectful workplace since it is based on communicating openly about workers' and clients' needs. For more information about the ACA, please refer to the [Accessible Canada Act responsibilities](#) page on the Commission's website.

Even where accessibility is part of the workplace, individual needs for accommodation may arise. If a worker is experiencing difficulties at work because of an environmental trigger, they need to inform you, as their employer or supervisor. This is called their duty to inform.

At that point, your responsibility is to work with the worker to find reasonable accommodation. This is called your duty to accommodate.

The same goes for service providers. If your customer's or client's environmental sensitivity is triggered when visiting your organization, they need to inform you so that they can be accommodated.

It is critical that you act in good faith when addressing these needs. For more detailed guidance on accommodating workers, please refer to the Commission's guide "[Workplace accommodation: A guide for federally regulated workplaces.](#)"

Important: If a worker (or client) experiences discrimination because of a disability, or does not receive appropriate accommodation, they can [file a complaint](#) with the Canadian Human Rights Commission. At the same time, they cannot hold out for their preferred accommodation if reasonable accommodation is offered to them. If a worker rejects a reasonable solution that meets their accommodation needs, the employer may be found to have met their duty to accommodate.