

Accommodation Policy and Procedure Information Session



Employee and Labour Relations

October 2018

Principles of Accommodation

- Employers have a legal duty to take steps to eliminate discrimination against employees and potential employees in the workplace.
- An employer must take reasonable steps, in policies or conditions of work, to accommodate an employee's individual needs



What is an Accommodation?

- Accommodation means making changes to certain tasks, physical environments, standards or policies to ensure that they don't negatively affect a person because of that person's protected ground
- **Goal is to ensure equitable participation in the workplace**

Protected Grounds

- Duty applies to all grounds of discrimination covered under the Alberta Human Rights Act:

Race	Age
Religious beliefs	Ancestry
Colour	Place of origin
Gender	Marital status
Gender identity	Source of income
Gender expression	Family status
Physical disability	Sexual Orientation
Mental disability	

What might an accommodation look like?

- Purchasing equipment / computer software
- Modifying aspects of the job
- Offering flexible work schedules
- Allowing time off for recuperation
- Adjusting policies / relaxing policies
- Altering premises to make them accessible

How far must we go?

- Employers have a duty to take reasonable steps to accommodate an individual to the point of undue hardship.
- High standard, particularly for large employers
- Factors considered:
 - Financial costs (substantial)
 - Health and safety concerns
 - Substantial interference with rights of others
 - Disruption to operations



BFORs

- An exception to the duty – where there is a *Bona Fide Occupational Requirement* (BFOR)
- The Supreme Court of Canada has recognized that in some cases, a limitation on individual rights may be reasonable and justifiable.

Accommodation Policy & Procedure

- The law has not changed, and the university has accommodated its workforce for years
- Intended to clarify roles and responsibilities
- Streamline the process
- Ensure better success in finding reasonable accommodations
- Better understand accommodations on campus so that we may take proactive measures where possible

Scope

- The policy applies to:
 - Academic Staff Members
 - Postdoctoral Scholars
 - Graduate Student Staff Members
 - Employees
- Does not apply to personal preferences
- Procedure not required for informal accommodations
 - Conforms to terms of applicable CA and
 - Lasts less than 4 weeks; or
 - Does not require additional University resources

Responsibilities of requestor

- Ensure the need falls under the grounds protected by the Act
- Communicate need for accommodation
- Explain why the accommodation is required
- Support the request with required documentation (e.g. medical)
- Participate and cooperate in the process of assessing and determining an accommodation
- Meet any BFORs
- Accept a reasonable accommodation
- Advise if any changes in circumstances occur that affect the accommodation.

Manager Responsibilities

- Consider informal accommodation requests for temporary or minor adjustment to work
- Work with HR to review accommodation requests
- Assess BFORs and identify accommodation options
- Make every effort to find and implement a reasonable accommodation
- Engage with other leaders across campus when accommodation not possible in home Faculty/Department
- Periodically review accommodations as appropriate

Staff Wellness' Responsibilities

- Advise HR of all accommodation requests received
- Manage all medical information and documentation relating to a request for accommodation
- Request additional information, including an independent medical examination, if required
- Confirm the functional abilities and limitations based on the medical documentation received.

Human Resources' Responsibilities

- Notify leadership after receiving an accommodation request
- Work with leadership to review accommodation requests, assess BFOR, identify options and document accommodation efforts
- Engage and consult with the union or association if proposed accommodation requires a modification to terms of CA
- Identify and freeze cross-faculty/department potential accommodation positions
- Document accommodations

Bargaining agent involvement

- If a person requesting accommodation is represented by a bargaining agent (FA, AUPE, GSA) he/she may choose to involve the bargaining agent at any point in your accommodation process
- If an accommodation involves a modification of the terms of a collective agreement, the bargaining agent must be involved.

Finding a Reasonable Accommodation

- First look to accommodate within own position
- Then look to immediate working group
- If not possible, consider accommodation options within the home department or faculty
- Where a reasonable accommodation cannot be found in department or faculty, HR will support SLT member to look at vacancies for which the individual is qualified across the university

Key Elements of the Procedure

- Informal Accommodations
- Clear process for requesting accommodations and tools to assist in gathering required information
- Ability to freeze vacancies where accommodation in home department/faculty not available

Key Elements of the Procedure

- Process for requesting additional funds where all efforts have been made to access surplus funds within home and implementing faculty or department.
- Documenting reasonable accommodations in an Accommodation Letter
- Process for determining undue hardship
 - Dean or SLT advises individual requesting accommodation that matter will be referred to Provost and Vice President or Vice President Finance and Services.
 - Written submissions and advice from Legal Services

Additional Resources

- Accommodation U of C website:
https://www.ucalgary.ca/hr/home/workplace_accommodations
- Human Rights Commission of Alberta:
<https://www.albertahumanrights.ab.ca/>
 - Interpretive bulletins
 - Information sheets
- Human Resource Services

Questions

