



Workplace Accommodations for Employees with Medical Disabilities

Category: Employment
Number:
Audience: University Employees
Issued: April 27, 2014
Owner: Director, Human Resources
Approved by: Board of Governors
Contact: Director, Human Resources (ext. 2507)

Introduction

First Nations University of Canada is a special place of working and learning where we recognize the spiritual power of knowledge and where knowledge is respected and promoted. In following the paths given to us by the Creator, the First Nations have a unique vision to contribute to higher education. It is recognized that there are times when individuals with medical disabilities may require support in achieving this purpose. As such the intent of this policy is to:

- describe workplace accommodation arising from medical disabilities;
- clarify roles, responsibilities and accountabilities for all persons involved in the accommodation process; and
- outline the process for initiating and implementing a workplace accommodation.

The fundamental principles of this Policy include:

- shared responsibility among relevant stakeholders involved, including the Employee, the relevant Supervisor, the Human Resources Department and the Union. All parties must work together to facilitate accommodation;
- accommodation is provided based on necessary detailed medical documentation and current circumstances;
- consultation involving relevant stakeholders in the development of the individualized Accommodation Plan and appropriate health care practitioners as necessary;
- inclusion by ensuring that the Employee is involved in the process and design of the Accommodation Plan;
- confidentiality and employee privacy is maintained by sharing information on a need-to-know basis. Particulars of requests for accommodation, including supporting documents shall not be disclosed to other persons without the consent of the Employee except and to the extent that such disclosure is reasonably necessary for the effective implementation of the Accommodation Plan or where disclosure is required by law;
- accommodation will be provided subject to the limitation of causing undue hardship to the University.

POLICY

The University will work to achieve a reasonable accommodation for employees, subject to bona fide occupational requirements and to the point where it causes undue hardship for the University. Employees requesting accommodation will be involved in the development of accommodation measures and have the responsibility to communicate any known accommodation needs and to cooperate in the accommodation process. The relevant stakeholders will work collectively to identify an appropriate accommodation which meets the needs of the Employee in an equitable and financially responsible manner.

The First Nations University of Canada is committed to:

- ensuring accommodation requests are considered on an Employee basis, taking into account the essential duties associated with the position and the current limitations/restrictions based on relevant medical documentation;
- developing (jointly with the Employee) an accommodation plan that respects the dignity of the Employee, promotes integration and full participation and respects confidentiality; and
- working towards accommodating the Employee in the original position where he/she was employed at the time of disability. If this is not feasible, the University will work in cooperation with all relevant stakeholders to provide an accommodation in accordance with the hierarchy of accommodation principle.

Role and Responsibilities

Employee requiring accommodation will:

- make a request for accommodation with their direct supervisor or the Human Resources Department. The University will consider a request for accommodation made by a third party (physician, family member, caregiver, union, advocate, or other representative) only where the Employee has provided prior written consent;
- obtain, in a timely manner, appropriate medical treatment, and provide the University with information related to current capabilities, limitations or restrictions and prognosis for recovery;
- participate in communication with their direct supervisor, the Human Resources Department, Health Care Practitioner(s), Paramedical Practitioner(s) if applicable, the Workers' Compensation Board, and any private insurance provider;
- complete the required reporting forms and return them to the Human Resources Department in a timely manner;
- follow all treatments and rehabilitation prescribed by the Health Care Practitioner(s) and Paramedical Practitioner(s);
- provide regular follow-up assessments of capabilities and progress to the Human Resources Department;
- cooperate in the development and implementation of a reasonable and appropriate accommodation based on current abilities and meaningful work;
- participate in the accommodation process that meets his/her current abilities and shall not decline any reasonable offer of accommodation; and
- communicate any issues or problems with the Accommodation Plan to their supervisor, the Human Resources Department and their Union representative as required.

The University will:

- comply with the *Saskatchewan Human Rights Code* and all other relevant legislation by making reasonable efforts, considering factors of Undue Hardship, to accommodate Employees with a disability; and
- promote and encourage educational efforts to inform the University community regarding accommodation.

Supervisors will:

- familiarize themselves with the accommodation process and provide awareness of rights and responsibilities under this Policy;
- contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required;
- in consultation with the Human Resources Department and the Union as required, support accommodation arrangements;
- be the first point of contact for their direct reports and have primary responsibility for determining reasonable and appropriate accommodation options;
- be responsible for identifying the essential duties/requirements and performance expectations of the post-accommodation position;
- maintain communication with the Human Resources Department for development and follow-up of the Accommodation Plan as appropriate; and
- monitor the progress of the Accommodation Plan, and provide regular updates to the Human Resources Department.

The Human Resources Department will:

- provide accommodation-related education and information to the University community, and provide awareness of rights and responsibilities under the Policy;
- contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required;
- maintain workplace accommodation documentation respecting privacy legislation;
- provide the Workers' Compensation Board and any private insurance provider with copies of applicable job information;
- coordinate pay and reporting arrangements with the Workers' Compensation Board and any private insurance provider;
- facilitate the development of Accommodation Plans that are consistent with the medical capabilities of Employees;
- audit the effectiveness of the Accommodation Plan on a regular basis; and
- review the Policy on a regular basis or whenever there is a change of circumstance that may affect the accommodation process.

The Unions will:

- in cooperation and consultation with the Human Resources Department, provide awareness to the University community of the rights and responsibilities under the Policy;
- contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required;

- participate in the development of Accommodation Plans as required; and
- participate in efforts to make accommodation possible.

The Occupational Health and Safety Committee will:

- support and promote implementation of the Policy;
- monitor the adequacy and effectiveness of the Policy; and
- act as a resource to ensure legislative compliance, and as a conduit for information, ideas and feedback from the constituencies represented on the Occupational Health and Safety Committee.

All Employees will:

- contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required.

Consequences for Noncompliance

Supervisors are expected to commit to the development of workplace accommodation plans in accordance with the hierarchy of accommodations. If the Employee is assigned to another position outside the pre-disability department, the pre-disability department may be required to cover costs to support the accommodation. Refusal by Supervisors to implement an approved Accommodation Plan could result in disciplinary action up to and including termination of the member's position with the University. Failure to accommodate an employee may result in disciplinary action up to and including termination of employment according to the applicable collective agreement and/or disciplinary process.

Related Information

- FNUniv Procedures for Accommodating Employees with Medical Disabilities
- *Saskatchewan Human Rights Code*