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# MEMO

Date: August 26, 2014

To:

**Members of the Joint Committee on Return to Work and Accommodation:**

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KaE 951e

# OVERVIEW

## Employment Accommodation Guidelines For Employees with a Disability



3.3. In the context of this policy, undue hardship must be decided in the circumstances of each case, but the following should be considered:

3.3.1. when there is a risk to the safety of others or a substantial risk of personal injury to the employee with a disability.

3.3.2. when financial cost is such that a program or service would cease to exist due to the financial burden of the accommodation, or other circumstances where it would be unreasonable to expect the University to bear the costs of accommodation.

3.3.3. when accommodation alternatives would result in lowering performance substantive job requirements being unmet.

3.3.4. when the accommodation would be unduly disruptive to a collective agreement or cause substantial detrimental effect on other employees.

3.4. When an employee with a disability is unable to perform job duties because of a disability and requires accommodation, the act ons2adatil









will be paid at that level until the rate for the new position equals or exceeds that rate



## – OF HUMAN RESOURCES

§ To provide consultation, guidance, training and coaching in the areas of return to work, stay at work and accommodation

§ To develop and implement best practices consistent with University policy and procedures, collective agreements, human rights legislation and case law

§



# THE ACCOMMODATION PROCESS

PROCESS	DETAILS
<p>1. When an employee requires accommodation, the employee notifies the immediate supervisor and Union RTW &amp; Accommodation Officer as soon as possible and establishes the need for accommodation. Prior to making a formal request for accommodation, the employee and manager/supervisor may resolve the matter at the departmental level.</p>	





PROCESS

DETAILS

A3. The supervisor documents the accommodation in a Simple Accommodation Plan. (See 1.1.1.1).

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**B. IMPLEMENTING COMPLICATED ACCOMMODATION WITHIN THE WORK UNIT**

Accommodation becomes more complicated when:

- a. the functional impact of the disability is unclear, or
- b. additional documentation is required, or
- c. accommodation cannot be effected by the appropriate supervisor, or
- d. there is a disagreement as to the appropriate accommodation, or
- e. co-workers (or other University employees, students or University programs) may be unreasonably adversely affected, or
- f. there are high costs involved, or
- g. where expected standards of performance may be affected.



<p>B1. The employee makes a formal request for accommodation using the <i>Request for Accommodation</i> form, and submits the form to the supervisor. The supervisor copies the assigned Work-Life Consultant who will forward a copy to the Union RTW &amp; Accommodation Officer (if not already involved).</p>	<ul style="list-style-type: none"> <li>a. The employee may wish to contact HR, their Union RTW &amp; Accommodation Officer or the supervisor for assistance in filling out the request form.</li> <li>b. A WorkSafe BC, ICBC or LTD case, where there is a gradual return to work or a return to work with modifications, is an accommodation case in terms of process and will follow these accommodation procedures.</li> </ul>
<p>B2. To work through the accommodation process involving a formal request, the supervisor contacts the assigned Work-Life Consultant who advises the Union of the Request for Accommodation. At this point, an appropriate Accommodation Group may be set up.</p>	<ul style="list-style-type: none"> <li>a. The onus is on the supervisor to initiate and coordinate the development of the accommodation plan.</li> <li>b. The employee may contact the Union or the assigned Work-Life Consultant for assistance.</li> </ul>
<p>B3. After consultation with the assigned Work-Life Consultant, documentation will be requested to determine the functional impact of the disability.</p> <p>Documentation encompasses:</p> <ul style="list-style-type: none"> <li>§ Confidential information</li> <li>§ Medical information/functional impact</li> <li>§ Stability of condition or expected duration</li> <li>§ Medical recommendations for coping strategies</li> <li>§ Job information</li> <li>§ Physical demands analysis</li> <li>§ Employee's skills &amp; abilities including education &amp; experience</li> <li>§ Matching of employee's functional abilities with job tasks</li> <li>§ Input from co-workers</li> <li>§ Other available jobs</li> </ul>	<ul style="list-style-type: none"> <li>a. Documentation will be requested when:                         <ul style="list-style-type: none"> <li>§ The functional impact is unclear, or</li> <li>§ The accommodation solution is unclear, or</li> <li>§ The accommodation will have a larger impact on the work unit, or</li> <li>§ There are persistent or frequent requests for accommodation, or</li> <li>§ There appears to be a pattern of abuse.</li> </ul> </li> <li>b. Documentation should be provided as quickly as possible to facilitate the accommodation.</li> <li>c. A second opinion may be requested if there is insufficient or conflicting information to make a decision.</li> <li>d. The assigned Work-Life Consultant will accept medical information from a relevant professional who is licensed or approved to practice in Canada. The normal expectation is that this will be a physician or specialist.</li> </ul>







PROCESS	DETAILS
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C4. When the employee is placed in a position, the supervisor in consultation with the assigned Work-Life Consultant, draws up the  (AP) which outlines the responsibilities of each party and a timeline for review (See sample  ).

The core members of the Accommodation Group (and other as appropriate – this may include supervisor from the previous & new position) sign the AP. The appropriate director or dean signs any AP which involves substantial cost or alteration to operations or the workplace.

- a. The AP will record the request, the functional impact, the accommodation, the expectations and responsibilities of all affected parties, process for resolving difficulties, timeline for review.
- b. The AP is a communication tool to ensure that everyone involved understands expectations and that difficulties are dealt with promptly.
- c. The AP will be reviewed and adjusted as necessary throughout the accommodation98 0 Tdc.294 TD (dealt with (or))-25 (y)U-0 -1.294 T accommR cmanag41 T (ec)chai1 T.1es tdition to operas or the e.9 (evious & new posiW)33xt accommR cmanag41 T (ec)chaikydid 1 i5n G6upiOmoda.3MC minenActualTextEFF0suta

PROCESS

DETAILS

*D. ACCOMMODATION IN A POSITION OUTSIDE THE DEPARTMENT, BUT WITHIN THE DIVISION/ FACULTY IN THE SAME BARGAINING UNIT.*

D1.

PROCESS	DETAILS
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D4. When the employee is placed in a position, the director/dean in consultation with the assigned Work-Life Consultant, draws up the Accommodation Plan (AP) which outlines the responsibilities of each party and a timeline for review. (See sample AP). The core members of the Accommodation Group (and others as appropriate – this may include supervisors from the previous & new position) sign the AP.

- a. The AP will record the request, the functional impact, the accommodation, the expectations and responsibilities of all affected parties, process for resolving difficulties, timeline for review.
- b. The AP is a communication tool to ensure that everyone involved understands expectations and that difficulties are dealt with promptly.
- c. The AP will be reviewed and adjusted as necessary throughout the accommodation period.

D5. The supervisor provides appropriate orientation, training, coaching and regular feedback as they should for any employee in a new position.

- a. Relevant training should be provided (e.g. for a new computer program, etc.).
- b. If the employee is new to the position, the supervisor should ensure that the employee receives appropriate orientation, training, coaching and regular feedback as they should for any employee in a new position.



PROCESS

DETAILS

*E. ACCOMMODATION IN A POSITION OUTSIDE THE DIVISION/FACULTY, WITHIN THE SAME BARGAINING UNIT*

E1

PROCESS	DETAILS
<p>F1. When the Accommodation Group, determines that it is not possible to accommodate the employee in his or her own bargaining unit the assigned Work-Life Consultant meets with other Union reps to consider other possibilities for positions within the employee's own department/faculty. Only if it is not possible to accommodate the employee in another position in the bargaining unit will the parties look elsewhere in the University. The Accommodation Group identifies potential areas that might be suitable for the employee. The assigned Work-Life Consultant meets with Union representatives from other areas to consider options in other bargaining units or employee groups across the University.</p>	<ul style="list-style-type: none"> <li>a. The decision to consider jobs outside the bargaining unit should be done with all due haste, taking into consideration all feasible options within the bargaining unit, the needs of the employee, the effect on other employees, and the least disruptive accommodation.</li> <li>b. A decision not to place the employee in another bargaining unit must meet the test of undue hardship.</li> </ul>
<p>F2. The assigned Work-Life Consultant will identify potential suitable vacant positions for which the employee has the qualifications and functional abilities elsewhere in the University. Once suitable positions have been identified, the Accommodation Group will review and plan the accommodation.</p>	<ul style="list-style-type: none"> <li>a. The assigned Work-Life Consultant checks position openings before vacancies are posted and checks with members of the Accommodation Group or others to identify possible regular, casual or other sets of job tasks for the accommodation.</li> <li>b. The attempt is to match the employee to a position most appropriate to his or her experience and abilities, in the least disruptive accommodation.</li> </ul>

Follow steps in Section C

PROCESS	DETAILS
<p><b><i>G. WHEN ACCOMMODATION IN THE UNIVERSITY IS NOT POSSIBLE</i></b></p>	
<p>G1. In the event it is not possible to accommodate the employee in any position within the University, the employee's status will be determined in accordance with the applicable collective agreement. The assigned Work-Life Consultant will document undue hardship for the accommodation record.</p>	<ul style="list-style-type: none"> <li>a. The assigned Work-Life Consultant will track employees awaiting accommodation and will assess position vacancies for their suitability.</li> <li>b. Employees awaiting accommodation may use sick leave, vacation, lay-off or leave of absence in accordance with the employee's collective agreement.</li> </ul>

# APPENDICES

## FORMS

Request for Accommodation and Contact Information .....	2 pages
Accommodation Plan (template) and Simple Accommodations Worksheet.....	1 page
Documenting a Simple Return to Work .....	1 page
Job Shadow/Trial Log .....	1 page
WorkSafe Claims Management Program.....	1 page

## GLOSSARY

Accommodation Terms and Resources .....	1 page
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# REQUEST FOR ACCOMMODATION



NAME \_\_\_\_\_ DEPT \_\_\_\_\_

POSITION \_\_\_\_\_

*I am requesting an accommodation in my job due to a disability.*

What effect does the disability have on your ability to do your job? What duties are you unable to do?

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.....  
.....  
.....  
.....

What kind of accommodation do you think will be helpful for you?

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.....

Are there some duties (or different duties) you think you can do? Please list:

.....  
.....  
.....  
.....  
.....

Is the disability due to a work-related illness/injury?  Yes  No

Or a motor vehicle accident?  Yes  No

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

Please give this form to your Supervisor who will send a copy to the assigned Work-Life Consultant, who will forward a copy to the Union RTW/Accommodation Officer.

Supervisor  Copy sent to Work-Life Consultant

Work-Life Consultant  Copy sent to Union Representative



# ACCOMMODATION PLAN

DEPT/WORK UNIT \_\_\_\_\_ DATE \_\_\_\_\_

EMPLOYEE \_\_\_\_\_ POSITION \_\_\_\_\_

SUPERVISOR \_\_\_\_\_

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## FUNCTIONAL IMPACT

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## CURRENT SITUATION

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## ACCOMMODATION MEASURES

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REVIEW DATE \_\_\_\_\_

**S** Any of the parties may request a meeting at any time to further discuss the Accommodation. Under discussion the Accommodation. Further discuss the Accommodation.

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# SIMPLE ACCOMMODATIONS







# WORKSAFE CLAIMS MANAGEMENT PROGRAM

PROCESS	DETAILS
1. When an occupational injury occurs the University is	

# GLOSSARY

*r. F. i.*

Consists of core members: Work-Life Consultant, Return to Work and Accommodation Officer (Union), supervisor, employee; plus coworkers, Occupational Health, Safety and

