



Name: Workplace Accommodation Policy
For Faculty and Staff With Medical Disabilities

Origin: Human Resources Department
(Pension and Benefits Unit)

Approved: January 15, 2009

Approval Process: Vice-President (Administration)

Revision Date(s):

Purpose

The purpose 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;
- outline the process for initiating and implementing a workplace accommodation.

Definitions

All capitalized terms used in this Policy shall have the meanings ascribed to them in Appendix 1.

Objectives

The University will work to achieve a reasonable accommodation for Individuals, subject to bona fide occupational requirements and to the point where it causes Undue Hardship for the University. Individuals 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 Individual in an equitable and financially responsible manner.



The University of Regina is committed to:

- ensuring accommodation requests are considered on an individual 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 Individual) an Accommodation Plan that respects the dignity of the Individual, promotes integration and full participation and respects confidentiality;
- working towards accommodating the Individual 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.

Principles

The fundamental principles of this Policy include:

- **shared responsibility** among relevant stakeholders involved, including the Individual, the relevant Administrator, 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 Individual is involved in the process and design of the Accommodation Plan;
- **confidentiality and individual 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 Individual 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.



Responsibilities

1. ***Faculty and Staff requiring an accommodation will:***

- 1.1. make a request for accommodation with their direct Administrator or the Human Resources Department (Pension and Benefits Unit). 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 Individual has provided prior written consent;
- 1.2. 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;
- 1.3. participate in communication with their direct Administrator, the Human Resources Department, Health Care Practitioner(s), Paramedical Practitioner(s) if applicable, the Workers' Compensation Board and any private insurance provider;
- 1.4. complete the required reporting forms and return them to the Human Resources Department (Pension and Benefits Unit) in a timely manner;
- 1.5. follow all treatments and rehabilitation prescribed by the Health Care Practitioner(s) and Paramedical Practitioner(s);
- 1.6. provide regular follow-up assessments of capabilities and progress to the Human Resources Department (Pension and Benefits Unit);
- 1.7. cooperate in the development and implementation of a reasonable and appropriate accommodation based on current abilities and meaningful work;
- 1.8. participate in the accommodation process that meets his/her current abilities and shall not decline any reasonable offer of accommodation;
- 1.9. communicate any issues or problems with the Accommodation Plan to their Administrator, the Human Resources Department (Pension and Benefits Unit) and the Union as required.

2. ***The University will:***

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

3. ***The Administrators will:***

- 3.1. familiarize themselves with the accommodation process and provide awareness of rights and responsibilities under this Policy;
- 3.2. contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required;



- 3.3. in consultation with the Human Resources Department and the Union as required, support accommodation arrangements;
- 3.4. be the first point of contact for their direct reports and have primary responsibility for determining reasonable and appropriate accommodation options;
- 3.5. be responsible for identifying the essential duties/requirements and performance expectations of the post-accommodation position;
- 3.6. maintain communication with the Human Resources Department for development and follow-up of the Accommodation Plan as appropriate;
- 3.7. monitor the progress of the Accommodation Plan, and provide regular updates to the Human Resources Department.

4. *The Human Resources Department will:*

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

5. *The Unions will:*

- 5.1. in cooperation and consultation with the Human Resources Department, provide awareness to the University community of the rights and responsibilities under the Policy;
- 5.2. contribute to a respectful climate in the workplace and participate in and cooperate with the accommodation process as required;
- 5.3. participate in the development of Accommodation Plans as required;
- 5.4. participate in efforts to make accommodation possible.



6. The Occupational Health and Safety Committee will:

- 6.1. support and promote implementation of the Policy;
- 6.2. monitor the adequacy and effectiveness of the Policy;
- 6.3. 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 Committee.

7. All Faculty and Staff will:

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

8. Related Documents:

- 8.1 Procedures for Accommodating Faculty and Staff With Medical Disabilities.



APPENDIX 1: Definitions and Principles

“**Accommodation**” means work that is safe, meaningful, productive, and within the skills, abilities and medical capabilities of the Individual.

“**Accommodation Plan**” means the documented plan/strategy to accommodate an Individual. The accommodation may keep the Individual at work or provide an appropriate return to work plan. The position must be meaningful, productive and within the documented medical capabilities. An Accommodation Plan may be temporary, permanent and/or transitional. A **Transitional Workplace Accommodation Plan** means the documented plan/strategy to accommodate the Individual with a temporary disability. It may be a:

Graduated Plan consisting of a gradual increase in hours of work and/or work activities or some combination thereof designed to return the Individual to the pre-disability position.

Maintenance Plan consisting of any combination of hours of work and/or work activities designed to maintain the function of the Individual who is awaiting treatment and/or surgery or currently participating in a treatment program.

“**Administrator**” means a person authorized by the University to oversee or direct the work of the Individual. For purposes of this Policy, this reference shall include senior, out-of-scope, faculty/staff members/supervisors in a department or unit with the authority to address personnel matters as they relate to the Individual, including the President, Vice-President, Associate Vice-President, Dean, Director or Manager, as the case may be.

“**Code**” means *The Saskatchewan Human Rights Code*, as amended from time to time.

“**Disability**” may be physical or non-physical in nature. Physical disabilities can be visible or non-visible. Disability as defined in the Code means any degree of physical disability, infirmity, malformation or disfigurement and without limiting the generality of the foregoing includes: epilepsy; any degree of paralysis; amputation, lack of physical co-ordination; blindness or visual impediment; deafness or hearing impediment; muteness or speech impediment; or physical reliance on a service animal, wheelchair or other remedial appliance or device; or any of an intellectual disability or impairment; a learning disability or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language; or a mental disorder. A disability may be chronic, progressive/degenerative, temporary or permanent.

A “**Temporary Disability**” means any disability from which the Individual is expected to recover at some point in time (i.e. 10 days, 6 months, 2 years) to pre-disability levels.



A “**Permanent Disability**” means any disability from which the Individual is not expected to recover fully to pre-disability levels.

“**Health Care Practitioner**” means the attending physician or surgeon who is duly licensed to prescribe and administer medical treatment and to perform surgery within the scope of his/her license.

The “**Hierarchy of Accommodations**” means that in the development of all Accommodation Plans, accommodation is made in the following order of priority:

- *Pre-disability position modified:* attempt to accommodate the Individual in his/her own job.
- *Another position in department:* attempt to place the Individual in a suitable vacant position for which the Individual is qualified, within his or her faculty or department.
- *Another position in University:* attempt to place the Individual in suitable vacant position for which the Individual is qualified, elsewhere in the University.
- *Another position modified:* attempt to place the Individual in a suitable vacant position for which the individual is qualified, with the duties of that position modified.
- *A combination of appropriate duties.*

“**Individual**” means any University of Regina faculty or staff with an illness, injury or on-going recognized Disability that results in a temporary or permanent Disability and which requires accommodation.

“**Paramedical Practitioner**” means a licensed chiropodist/podiatrist, physiotherapist, reflexologist, osteopath, registered speech therapist, registered psychologists, chiropractor, naturopath or registered massage therapist.

“**Undue Hardship**” must be decided in the circumstances of each case with the following factors considered:

- *financial cost:* what are the costs (estimate the initial expense to put the accommodation in place together with any long-term costs to sustain the proposed accommodation), and would such costs be prohibitive or would it be unreasonable to expect the University to bear the costs of the accommodation;
- *size and nature of the operation:* how disruptive would the proposed accommodation be to the Individual’s department or faculty, considering the number of employees and the nature and inter-relationship of the employees’ positions and the functions that they serve;
- where the accommodation would be *unduly disruptive to a collective agreement* or would significantly interfere with the rights of other employees under the collective agreement;



- *health and safety*: where the proposed accommodation would pose a health or safety risk to others or to the Individual;
- *faculty and staff morale*: whether the accommodation would have a detrimental effect on other employees;
- when the accommodation would result in *lowering performance standards* or substantive job requirements being unmet;
- *alternatives*: where a requested accommodation appears to create an undue hardship based on the above factors, whether an alternative accommodation may be available.

“**Union**” means the trade union or faculty association of which the Individual is a member.



Procedures for Accommodating Faculty and Staff With Medical Disabilities

Introduction

These procedures outline the process to be followed by relevant stakeholders to address workplace accommodations for faculty and staff.

1. *Identify the need for an accommodation:*

- 1.1 Individuals are responsible for identifying the need for an accommodation with his/her direct Administrator and/or the Human Resources Department (Pension and Benefits Unit).

2. *Provide medical documentation to support the accommodation:*

- 2.1 For all requests related to accommodation the University will require the reasons for the accommodation, the accommodation being requested and suggestions as to how the accommodation can be achieved.

Relevant supporting information from a registered Health Care Practitioner shall include the following:

- 2.1.1 the date of the most recent evaluation,
- 2.1.2 current capabilities and limitations/restrictions based on necessary detailed medical documentation,
- 2.1.3 the expected duration, stability or progression of the illness, injury or on-going recognized disability and,
- 2.1.4 signature of the Health Care Practitioner and contact information.

The form is available on the Human Resources Website at the following link:
<http://www.uregina.ca/hr/forms/Benefits/Physician-Statement.pdf>

NOTE: To protect the privacy of personal health information, only the Human Resources Department (Pension and Benefits Unit) will maintain medical information related to accommodation.

- 2.2 Additional information may be requested from the Health Care Practitioner as it relates to physical and/or behavioral capabilities.



3. How the University processes the request for an accommodation:

- 3.1 The Administrator shall consult with the Human Resources Department and any other person whom he/she deems appropriate in order to assess the request for accommodation, including the Individual.
- 3.2 An accommodation shall be made within the department/faculty of origin in accordance with the Hierarchy of Accommodation to the point of undue hardship.
- 3.3 The Human Resources Department (Pension and Benefits Unit) will initially request an Attending Physician's Statement to confirm the parameters of the accommodation (ie: hours of work, restrictions/limitations and duration of an accommodation) with all relevant parties.
 - 3.3.1 The Human Resources Department will liaise with the Individual, the Administrator, Health Care Practitioner(s) and the Workers' Compensation Board and any private insurance provider.
 - 3.3.2 The Human Resources Department is responsible for requesting updated medical information regarding an accommodation and confirming the on-going need for the accommodation with all relevant parties.
- 3.4 Human Resources will monitor all Accommodation Plans to ensure that they have been implemented in accordance with this Policy. Accommodation plans will be reviewed from time to time to determine whether any adjustments to the Accommodation Plan are necessary.

4. Procedures for the Administrator:

- 4.1 The Administrator will exercise due diligence to expeditiously resolve requests for reasonable accommodation by Individuals.
- 4.2 If the accommodation requires detailed medical support *or* the absence from work for a medical reason is expected to be **in excess of 5 days**:
 - 4.2.1 The Administrator will instruct the Individual to have the Attending Physician's Statement (APS) completed and forwarded to the Human Resources Department (Pension and Benefits Unit).
 - 4.2.2 The Administrator will contact the Human Resources Department (Pension and Benefits Unit) to discuss medical absences from work by the Individual.



- 4.2.3 The Administrator will work with the Human Resources Department (Pension and Benefits Unit) to coordinate the accommodation based on relevant medical documentation to the point of Undue Hardship for the University.

- 4.3 The department/faculty is responsible for associated costs of an accommodation.
 - 4.3.1 If the accommodation is deemed to create undue hardship for the department/faculty, the Administrator shall outline the needs and corresponding budgetary requirements to their respective Vice-President.