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| Procedure Name  | <b>Workplace Accommodation</b>            |                |                                    |
| Procedure #     | HR 1.18                                   | Parent Policy  | 1.0 Employment Relationship Policy |
| Policy Owner    | Associate Vice President, Human Resources | Effective Date | October 6, 2021                    |
| Procedure Owner | Director, Employee and Labor Relations    | Review Date    | October 6, 2026                    |
| Approved by     | Director, Employee and Labor Relations    | Approval Date  | October 6, 2021                    |

**1.0 Purpose/ Background**

NAIT is committed to providing a workplace that supports the full participation and engagement of all NAIT employees. To that end this Procedure forms part of a broader, ongoing commitment to create an inclusive community.

NAIT accommodates employees who are unable to fully perform their required duties, based on a protected ground as outlined in Alberta Human Rights legislation. NAIT will support and provide guidance to employees and Leaders throughout the workplace accommodation process.

NAIT’s policies and procedures will align with the applicable provisions of the AUPE and/or NASA Collective Agreements and any applicable provincial or other applicable legislation.

Workplace accommodation is a multi-party process; the employer, employee and union are committed to work together through the process.

Accommodation is a shared responsibility between NAIT and the individual in need of accommodation and is assessed on the unique circumstances of each individual. The process requires reasonable accommodation, not instant or perfect accommodation. NAIT is required to provide reasonable accommodation up to the point of undue hardship.

This procedure applies to all NAIT employees including unionized and non-unionized members.

**2.0 Definitions**

| Term          | Definition  |
|---------------|---|
| Accommodation | The process of making reasonable changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they don't have a negative effect on a person because of the person's mental or physical disability, religion, gender or any other protected ground, as per the Alberta Human Rights Legislation. An accommodation may be temporary or permanent. |
| Documentation | Information supporting the employee’s need for accommodation, which outlines the specific restrictions and limitations that need to be accommodated and indicates whether the need for accommodation is temporary or permanent and, if temporary, the likely duration. For medical accommodations, information is   |

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|   | required from the employee's doctor, medical specialist or other health care provider.   |
| Duty to accommodate   | The legal obligation of NAIT to make reasonable adjustments to the delivery of services and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group based on a characteristic referenced in the protected grounds listed in the Alberta Human Rights Legislation. Some hardship may be necessary when accommodating an employee; only when there is undue hardship can the Employer claim they are unable to accommodate.   |
| Duty to Inquire   | The duty to investigate/research possible relationships between behaviour/job performance and disability, or some other factor that may require an accommodation, <i>before</i> making a decision that would affect one's employment or position.  |
| Employee  | Employee is defined as executives and management, faculty and staff/employees that are paid salary or wage by the Institute, whether they work full time, parttime, or casually on a contractual basis.  |
| Leader  | A non-unionized employee with direct reports and the authority to approve or deny requests.  |
| Protected grounds   | Discrimination is prohibited based on protected grounds, which can be found at: <a href="http://albertahumanrights.ab.ca">AHRC Info Sheet (albertahumanrights.ab.ca)</a>   |
| Required Duties/<br>Bona Fide<br>Occupational<br>Requirement (BFOR) | Duties that are fundamental to the position. The Employee must be able to perform these duties with or without accommodation. When it is impossible to accommodate an essential duty, or BFOR, of the pre-accommodation position, the employer must explore options for alternative suitable work that the employee can perform.   |
| Unable to Accommodate   | An occurrence in which a specific work unit or department within NAIT is justifiably unable to find a reasonable accommodation up to the point of undue hardship.  |
| Undue Hardship  | <p>NAIT has a duty to take reasonable steps to accommodate individual employee needs to the point of undue hardship. Undue hardship occurs when accommodation would create onerous conditions for NAIT. While undue hardship* will be decided in the circumstances of each case, onerous conditions may include, but are not limited to:</p> <ol style="list-style-type: none"> <li>a) Disruption of operations – the extent to which the accommodation would prevent the employer from carrying out essential business.</li> <li>b) Substantial interference with rights – the interference of rights of other individuals or groups – this includes but is not limited to human rights and rights under the Collective Agreement.</li> <li>c) limitations of workforce and facilities – the ability of NAIT to relocate employees to other positions or locations, or modify the physical environment on a temporary or permanent basis.</li> <li>d) Health and safety concerns – pose a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation.</li> <li>e) Financial costs – must be such that it would substantially affect the program or department, or other circumstances where it would be unreasonable to expect NAIT to bear the costs.</li> </ol> <p>*as per the <a href="http://albertahumanrights.ab.ca">Alberta Human Rights Commission</a></p> |

### **3.0 Roles and Responsibilities**

#### **3.1 Employee Responsibilities**

- Ensure the workplace accommodation request falls under the protected grounds listed in the Alberta Human Rights legislation.
- Bring the workplace accommodation request to the attention of their Leader or, in the case of a physical or mental disability, to Ability Management.
- Complete the Employee Request for Accommodation form
- Make timely disclosure of the request for accommodation, preferably before adverse consequences are experienced.
- Participate in the workplace accommodation process. This includes answering relevant questions or providing information about restrictions or limitations, including information from health care professionals, where appropriate and as needed.
- Meet performance standards once accommodation is provided.
- Where applicable, request the involvement of a Union Representative in the accommodation process, if desired.
- Participate in regular reviews of the accommodation arrangement.
- Provide any required updates regarding the accommodation to their Leader and/or Ability Management (for medical accommodations only). This may include providing updated medical documentation as restrictions/limitations/abilities change, or as reasonably requested by NAIT.
- The accommodation is subject to a one-month trial period. Where the accommodation is not successful within the trial period, the relevant parties may be required to look at different accommodation options.

#### **3.2 Leader Responsibilities**

- Understand the Duty to Accommodate requirement and process.
- Notify the HR Consultant of an employee's request for accommodation.
- Recognize their duty to inquire if an employee is behaving uncharacteristically and/or experiencing performance issues.
- Identify the required duties/Bona Fide Occupational Requirements (BFOR) of the pre disability position and work with the HRC/Ability Management to determine if the employee can meet these requirements.
- Participate in the development of the individual accommodation, including cooperating and consulting with the necessary department(s) in identifying and assessing accommodation options.
- Provide reasonable accommodation solutions to the person seeking accommodation to the point of undue hardship.
- If full accommodation is not possible without undue hardship, suggest options that may partially meet the needs of the person seeking accommodation.
- If not able to accommodate in own area, in consultation with HR Consultant, provide details via the Accommodation Decision Document to justify the decision.
- If accommodation in own area is not possible, liaise with other departments where necessary in consultation with HRC.
- Maintain confidentiality of all employee information collected during development, monitoring and evaluation of the accommodation and agreement.
- The accommodation is subject to a one-month trial period. Where the accommodation is not successful within the trial period, the relevant parties may be required to look at different accommodation options

- Review the accommodation regularly, as outlined in the accommodation agreement. This may be in consultation with Ability Management and/or the HR Consultant.

### **3.3 HR Consultant Responsibilities**

- Ensure all parties are aware of and understand the Workplace Accommodation policy and procedure.
- Work with the Leader to determine whether the employee can be accommodated in their current position.
- Assist in the development of an individual accommodation in accordance with the documented accommodation needs of the employee.
- Maintain appropriate contact with the relevant parties throughout the process.
- Facilitate workplace accommodation meetings.
- Participate and assist, where required, with a review of the accommodation, in consultation with the Leader and the employee.
- Maintain confidentiality of all employee information collected during development, monitoring and evaluation of the accommodation and agreement.
- Confirm and manage information with appropriate parties as required for non-medical accommodation requests.
- Prepare a letter of accommodation and provide copies to the relevant parties.

### **3.4 Ability Management Responsibilities**

- Review all medical/disability related accommodations.
- Review and manage all medical information and documentation relating to a request for accommodation.
- Inform HR Consultant of all accommodation requests.
- Advise HR Consultants and Leaders of the relevant functional abilities and limitations based on the medical documentation received.
- Request the employee obtain further medical information for clarification, where required.
- Maintain confidentiality of all employee personal and medical information collected during development, monitor and evaluate of the accommodation. Written consent to disclose personal and medical information can be obtained from the employee, when necessary.
- Where required and agreed to, request information directly from healthcare provider.
- Confirm and manage medical and/or disability information with different parties as required, including LTD insurance provider.

### **3.5 Union/Association Representative Role**

- Union/association will be involved in the accommodation process if/when requested by the employee.
- Where the union/association does become involved in the accommodation process, they will represent and assist the employee in understanding the procedure and their responsibilities and participate in finding a reasonable accommodation.
- Where an accommodation may impact the rights of other employees in the bargaining unit or requires a waiver or variation of any provision of the collective agreement, the employee's union/association must be involved in the process.

- Maintain confidentiality of all employee personal and medical information collected during development, monitor and evaluate of the accommodation. Written consent to disclose personal and medical information can be obtained from the employee, when necessary.

#### 4.0 Exceptions to the Procedure

Exceptions to this procedure must be documented and formally approved by the Procedure Owner.

Procedure exceptions must include:

- The nature of the exception
- A reasonable explanation as to why the procedure exception is required
- Confirmation that the exception aligns with the general principles
- Any risks created by the procedure exception and how they will be managed.

#### 5.0 Related Documentation

Workplace Accommodation Flowchart  
 Employee Request for Accommodation Form  
 Accommodation Decision Document  
 Alberta Human Rights Act

##### ***Document History***

| <i>Date</i> | <i>Action/ Change</i> |
|-------------|-----------------------|
|             | New                   |
|             |                       |