

	<b>THE UNIVERSITY OF WINNIPEG</b>	<b>POLICY:</b> VPHR/A/S#: Workplace Accommodation <b>PROCEDURES:</b> Included in the Policy <b>APPENDIX:</b>
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## WORKPLACE ACCOMMODATION POLICY

**AUTHORITY:** University Administration

**RESPONSIBILITY:** Vice President Human Resources, Audit and Sustainability

Effective Date: February 1, 2016

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**Purpose:** The University of Winnipeg is committed to creating and maintaining an inclusive and non-discriminatory workplace and learning environment for employees, potential employees and volunteers. An inclusive workplace and learning environment for employees presumes an environment where differences are accepted, recognized and integrated into current structures, planning and decision making. An inclusive environment values diversity and difference and is based on mutual respect, dignity for all, and full and equitable opportunity and participation in working and learning at the university.

**Scope:** This Policy and related Procedures apply to all potential and current employees and volunteers.

**Responsibility:** The Vice President Human Resources, Audit and Sustainability on behalf of The Administration of the University, is responsible for the development, administration and review of this policy.

**Definitions:** for the purposes of this Policy,

**“Duty to Accommodate”** means: an employer’s obligation to modify and adapt working conditions to meet the special needs of an individual or group that are based on a Protected Characteristic under the Respectful Working and Learning Environment Policy and the Human Rights Code (Manitoba).

**“Protected Characteristics”** means the following characteristics protected under the Human Rights Code (Manitoba): ancestry, including colour and perceived race; nationality or national origin, religion or creed or religious belief, religious association or activity,; age; sex, including pregnancy,; gender identity, sexual orientation, marital and family status, source of income, political belief, physical or mental disability, or social disadvantage.



**“Reasonable Accommodation”** means: the process of introducing measures that will address needs based on one or more of the Protected Characteristics of the individual or the group and that do not cause Undue Hardship for the University.

**“Supervisor”** means: a person who has charge of a workplace or authority over a worker. In the case of the university this would include but not be limited to: Department Head, Director, Manager or supervisor responsible and which includes faculty in charge of classroom or laboratory settings, or in a situation in which they have employees in any capacity reporting to them.

**“Undue Hardship”** means: the limit of an employer’s obligation to accommodate a special need and will occur when the actions required to accommodate that need would be undue or unreasonable in the circumstances.

### **Principles:**

The accommodation process will respect the dignity and, the privacy of the person seeking accommodation and so, to the extent possible, will seek to avoid drawing undue attention to the identified need

Substantial and meaningful measures to implement appropriate accommodation solutions will be tailored to individual or group Protected Characteristics.

In the accommodation process, each situation will be considered using objective data.

### **Procedures:**

Accommodation is a multi-party process in which each party has a responsibility to cooperate. As such all members of the university community have a role to play in creating and maintaining an inclusive and non-discriminatory workplace and learning environment.

### **Responsibilities of the Employer:**

To satisfy its obligations in an accommodation process, an employer shall

- engage in an adequate *process* and take *sufficient measures* to accommodate to the point of undue hardship.
- be proactive by building accommodation options into new structures and systems.



- inform employees who are in supervisory roles of their responsibilities to engage in employment accommodations, providing training on best practices in accommodation and encouraging them to utilize Human Resources and the Human Rights and Diversity Office for advice and guidance.

When a request is made for accommodation, the request shall be taken seriously and considered in a timely and respectful manner.

Where the initial information provided by the employee is not sufficient to determine an appropriate accommodation, the University may, at its discretion and at its own cost, obtain additional information from a medical or other professional to assess the employee's specific workplace restrictions or modification requirements, including information regarding how long the accommodation may be necessary, where it determines this to be relevant to the assessment.

#### **Disclosing and Initiating an Individual Accommodation:**

Employees are not required to disclose or discuss their disability unless they require accommodation. Generally, employees are only obligated to discuss their requirements with those that need to know. This could include a supervisor, a union representative or a Human Resources Consultant.

However, where based on an employee's behaviour or performance, an employer has reason to question whether the employee may have addiction or mental health issues that are impacting performance, the employer has a duty to inquire and may be required to take steps to offer the employee reasonable accommodation.

More specifically, the employer should:

- Determine if the request for accommodation is based on a protected characteristic.
- Review supporting medical or other information and determine if clarification or further support for request is necessary.
- Listen to and consider the needs of the employee seeking accommodation and their suggestions for accommodation.
- Document the request for accommodation and the process of assessing the request and communications with employee.
- Obtain consent from the employee to request further relevant medical or other information if required.
- Determine to what extent the employee can perform existing job duties and identify essential duties that fall within employee's restrictions.



- Consider modifications to existing job duties including “re-bundling” duties, or other positions.
- Share information that is being considered with the employee to seek their input, keeping the employee reasonably updated as to accommodation process.
- Communicate in writing the details of the accommodation plan including the arrangement for follow-up.
- Monitor the accommodation.
- Modify the plan if circumstances or needs change; including if the accommodation is no longer required.

### **Responsibilities of the Employee:**

Those seeking an individual accommodation have roles and responsibilities to play in the process:

- Employees should advise their employer of their need for an accommodation in a timely manner. In the event that an accommodation is required for a disability, the affected employee shall contact Human Resources directly.
- The request for accommodation must be based on evidence from a medical or other professional explaining the impact of a disability or other protected characteristic on the employee’s ability to perform his/her regular duties.
- Make suggestions for solutions (such as: a specific adaptive software or hardware device)
- Co-operate with the employer by providing relevant information to assist in the assessment of the accommodation request and to assist in providing reasonable suggestions as to measures that would meet the accommodation needs.
- Perform the requirements as outlined in the accommodation plan and provide feedback to the University as to how the plan is being fulfilled.
- Employees seeking accommodation are required to participate and cooperate in accommodation efforts on an ongoing basis including communicating with the University if modifications to the accommodation plan are required or if accommodation is no longer required.
- Employees must be prepared to accept reasonable solutions.

### **Responsibilities of Unions:**

In keeping with the multi-party nature of the accommodation process, unions representing University of Winnipeg employees have an obligation to cooperate with and assist in accommodating the specific needs of their members. When seeking an accommodation, members may or may not choose to involve their unions.

### **Appeal Process:**

An employee who is dissatisfied with a decision made by the University in response to an accommodation request may have rights to contest the decision by grievance procedures

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set out in an applicable collective agreement or, where there is no such agreement, by filing a complaint with the Senior Administrator responsible for the department or other administrative unit where they are employed e.g. Vice-President, Associate Vice-President. Additionally, complaint procedures are provided for under the Respectful Working and Learning Environment Policy and the Manitoba Human Rights Code.

**Review:**

This policy shall be reviewed in conjunction with the Procedures review at least once every five years.