

Workplace Accommodation Procedure

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<p>Approval Authority Human Resources and Governance Committee</p>	
<p>Implementation Authority Vice-President (Finance and Services)</p>	
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- 1 Purpose** The purpose of this procedure is to outline the process for requesting, evaluating, documenting and managing Accommodations for Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees under the Alberta Human Rights Act.
- 2 Scope** This procedure applies to Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees who seek an Accommodation, which is an arrangement that eliminates barriers to ensure that those who are otherwise able to work are not excluded from doing so based on a Protected Ground.
- This procedure does not apply to requests for modifications to job responsibilities to address a personal preference.
- 3 Definitions** In this procedure:
- a) “Academic Staff Member” means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the applicable Collective Agreement.
 - b) “Accommodation” means an arrangement that eliminates barriers to ensure that Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees who are otherwise able to work are not excluded from doing so based on a Protected Ground.
 - c) “Act” means the Alberta Human Rights Act in force at the relevant time.
 - d) “Bona Fide Occupational Requirements” means those specific skills, abilities, duties, or practices that are necessary to achieve the legitimate objectives of a position at the University.

- e) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and an association or union representing Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members or Employees, in each case, in effect at the relevant time.
- f) “Dean” means the head of a faculty at the University.
- g) “Department Head” means an Academic Staff Member with responsibility over an academic department within a faculty.
- h) “Disability” means any degree of physical disability or mental disability as defined and interpreted pursuant to the Act, regardless of cause or duration.
- i) “Duty to Accommodate” means the legal duty to accommodate an individual’s needs based on a Protected Ground.
- j) “Employee” means an individual, other than an Academic Staff Member, Postdoctoral Scholar or Graduate Student Staff Member, who is engaged to work for the University under an employment contract. This includes undergraduate students, in the context of their employment, who are engaged to work for the University under an employment contract.
- k) “Graduate Student Staff Member” means, in the context of their employment, a student in a course of study in the Faculty of Graduate Studies who is engaged to work for the University under an employment contract.
- l) “Human Resources” means the Human Resources department at the University.
- m) “Legal Services” means the Legal Services department at the University.
- n) “Letter of Accommodation” means the document prepared by the University that details a Reasonable Accommodation.
- o) “Manager” means the individual at the University who is not a member of a bargaining unit and who supervises or directs the work of an Employee.
- p) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction or mentorship of a supervising Academic Staff Member.
- q) “Protected Grounds” means the grounds listed in Section 7 of the Act as they are defined and interpreted pursuant to the Act including:
 - i. race;
 - ii. religious beliefs;
 - iii. colour;
 - iv. gender;
 - v. gender identity;
 - vi. gender expression;
 - vii. physical disability;
 - viii. mental disability;
 - ix. age;
 - x. ancestry;
 - xi. place of origin;
 - xii. marital status;
 - xiii. source of income;

- xiv. family status; and
- xv. sexual orientation.
- r) “Reasonable Accommodation” means an Accommodation that addresses discrimination based on a Protected Ground that does not create Undue Hardship for the University
- s) “Staff Wellness” means the Staff Wellness department at the University.
- t) “Senior Leadership Team” means the individuals who, at the relevant time, are designated as members of the University’s Senior Leadership Team.
- u) “Undue Hardship” means the legal standard where a proposed Accommodation would create unreasonable hardship for the University.
- v) “University” means the University of Calgary.

4 Procedure

- 4.1** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees should communicate any need for an Accommodation, in writing, to their Dean, Department Head, Manager, Human Resources, or Staff Wellness.
- 4.2** Accommodations requiring temporary or minor adjustments to work may be arranged by an informal agreement between a Dean, Department Head or Manager, and the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee requiring the Accommodation. Human Resources does not need to be informed of temporary or minor Accommodations provided that the Accommodation conforms to the terms of any applicable Collective Agreement and:
 - a) lasts less than 4 weeks; or
 - b) does not require additional University resources.
- 4.3** Human Resources must be advised of all Accommodations other than those referred to in 4.2.

Medical Documentation

- 4.4** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees requesting Accommodation relating to a Disability must provide objective medical documentation to Staff Wellness that:
 - a) supports the need for an Accommodation;
 - b) provides details of the functional capacity and limitations of the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee; and
 - c) indicates whether the need for Accommodation is temporary or permanent and, if temporary, the likely duration.
- 4.5** Staff Wellness will review and manage all medical information and medical documentation relating to a request for Accommodation.
- 4.6** Staff Wellness will request additional information, including an independent medical examination, if required to properly evaluate an individual’s functional abilities and limitations.
- 4.7** Staff Wellness will confirm functional abilities and limitations based on the medical documentation received.

4.8 Staff Wellness will advise Human Resources of the relevant functional abilities and limitations of the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, which will provide the basis for discussion of Accommodation options.

Finding a Reasonable Accommodation

4.9 Unless an Accommodation is identified and implemented in accordance with 4.2, the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee requesting the Accommodation, or the Dean, Department Head, Manager or Staff Wellness representative who first receives the request, must advise Human Resources of the request for Accommodation.

4.10 Human Resources will advise the relevant Dean or Manager as soon as possible after receiving a request for Accommodation.

4.11 Human Resources will review requests for Accommodation and:

- a) together with the Dean or Manager, determine the Bona Fide Occupational Requirements;
- b) participate in the process of identifying and assessing Accommodation options;
- c) consult with Deans, Managers, Staff Wellness, the applicable bargaining agent, Legal Services, and any other University departments with relevant expertise, as necessary, to identify all relevant limitations and potential Reasonable Accommodations;
- d) consider the Bona Fide Occupational Requirements in reviewing Accommodation options; and
- e) document all Accommodation options discussed, and the reasons for accepting or rejecting Accommodation options.

4.12 Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members, and Employees requesting an Accommodation will be encouraged to present options for consideration, and to participate in discussions on the feasibility of potential Accommodations. If appropriate, Human Resources will include any applicable bargaining agent in discussing Accommodation options.

4.13 Human Resources will notify the applicable bargaining agent if a proposed Reasonable Accommodation would require a modification to the terms of a Collective Agreement.

4.14 The relevant Dean or Manager will make every effort to find a Reasonable Accommodation for the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, in their position. If that is not possible, Human Resources will help the Dean or Manager identify Reasonable Accommodations within the same unit, work group, or area, having regard to the Academic Staff Member, Postdoctoral Scholar, Graduate Student Member or Employee's education, skills and abilities, and relevant limitations.

4.15 If a Reasonable Accommodation cannot be found, the Dean or Senior Leadership Team member will work with Human Resources to expand the scope of the search and canvass Reasonable Accommodation options in other units, working groups, or areas of the faculty or department.

- 4.16** In the rare circumstance where there is no Reasonable Accommodation in the same faculty or department, Human Resources will review vacant positions across the University, to identify potential options for a Reasonable Accommodation. In such cases, Human Resources may freeze the hiring process of any position for which the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee appears qualified, so that those positions may first be considered as a Reasonable Accommodation for the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee.
- 4.17** If Human Resources identifies a potential position after implementing the freeze contemplated in 4.16, Human Resources will contact the hiring Dean or Manager to assess the qualifications of the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, in light of the particular role. Human Resources will work with the Dean, Senior Leadership Team member or Manager for the hiring faculty or department to ensure appropriate support where a Reasonable Accommodation requires moving the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee from their home faculty or department.
- 4.18** If a proposed Reasonable Accommodation would exceed available funds and all efforts have been made to access surplus funds within both the home faculty or department, and the faculty or department implementing the Accommodation, the Dean or Senior Leadership Team member of the faculty or department that will be implementing the proposed Reasonable Accommodation may apply for additional funds to support the Reasonable Accommodation as follows:
- a) in the case of an Accommodation of an Academic Staff Member, Postdoctoral Scholar or Graduate Student Staff Member, to the Provost and Vice-President (Academic); or
 - b) in the case of an Accommodation of an Employee, to the Vice-President (Finance and Services).

Implementation of Reasonable Accommodations

- 4.19** Human Resources will prepare a Letter of Accommodation and will provide copies to the Dean or Manager, the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, and, if appropriate, any applicable bargaining agent.
- 4.20** All Letters of Accommodation will include information on the next anticipated review of the Reasonable Accommodation. The Dean or Manager, the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, and if appropriate, any applicable bargaining agent, will review the Reasonable Accommodation in accordance with the schedule articulated in the Letter of Accommodation.
- 4.21** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees must advise their Dean or Manager of any changes in their circumstances affecting a Reasonable Accommodation. The Dean or Manager will review the information received and determine whether 4.2 applies. If not, the Dean or Manager will follow the process in 4.9 to 4.18.

Undue Hardship

- 4.22** Undue Hardship is a difficult legal standard to meet and the University will be required to provide a Reasonable Accommodation in most cases.
- 4.23** If, after attempting to identify a Reasonable Accommodation in accordance with 4.9 to 4.18, the Dean or Senior Leadership Team member cannot identify a Reasonable Accommodation, the Dean or Senior Leadership Team member will advise the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee, and the matter will be referred to the Provost and Vice-President (Academic), or Vice-President (Finance & Services) as applicable, for consideration.
- 4.24** The Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee will have the opportunity to provide written submissions to the Provost and Vice-President (Academic), or Vice-President (Finance & Services) as applicable, with respect to whether a Reasonable Accommodation is possible, that is, an Accommodation that would not cause the University Undue Hardship.
- 4.25** The Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee may be supported by an applicable bargaining agent in providing written submissions.
- 4.26** The Provost and Vice-President (Academic) will consider information received from Human Resources, any written submissions received from the Academic Staff Member, Postdoctoral Scholar or Graduate Student Staff Member and any applicable bargaining agent and advice from Legal Services, before reaching a decision on whether or not the University is able to accommodate an Academic Staff Member, Postdoctoral Scholar, or Graduate Student Staff Member without Undue Hardship.
- 4.27** The Vice-President (Finance and Services) will consider information received from Human Resources, any written submissions received from the Employee and any applicable bargaining agent and advice from Legal Services, before reaching a decision on whether or not the University is able to accommodate an Employee without Undue Hardship.

5	Parent Policy	Workplace Accommodation Policy
6	Related Guidelines/Forms	Workplace Accommodation Request Form
7	Related Information	FAQs: Workplace Accommodation
8	References	Alberta Human Rights Act , RSA 2000, c A-25.5
9	History	June 12, 2018 Approved. September 1, 2018 Effective. January 1, 2020 Editorial Revision. Updated format and links.