

 <b>BRANDON UNIVERSITY</b>	<b>Workplace Accommodation Policy</b>	<b>First Approved:</b> <i>November 26, 2016</i>
<b>Board of Governors Policy</b>	<b>Approved by</b> <i>Board of Governors</i> <b>Administered by</b> <i>President &amp; Vice-Chancellor</i> <i>through:</i> <i>Vice-President (Administration &amp; Finance),</i> <i>Vice-President (Academic &amp; Provost) and</i> <i>Chief Human Resources Officer</i>	<b>Updated:</b>  <b>Reviewed:</b>

This policy shall govern Brandon University as it supports and promotes the employment of persons with disabilities by providing accommodation in employment for those with disabilities.

**1.0 Scope**

This policy applies to:

- All Brandon University employees, including faculty, staff, student assistants and research assistants, and
- Job applicants to the University who may require employment accommodation through the recruitment, selection and hiring processes.

**2.0 Policy**

**2.1 Purpose of Policy**

The purpose of this policy is to establish Brandon University’s commitment to providing workplace accommodations for its employees as required, based on the grounds protected by Manitoba’s provincial human rights law, *The Manitoba Human Rights Code*.

This policy will provide a clear outline of the obligations and responsibilities Brandon University is committed to fulfilling as well as to provide guidance for the implementation of this policy.

**2.2 Statement of Intent**

Brandon University recognizes the diversity of its employees and is committed to providing a work environment in which all members of the University community are treated in a fair and equitable manner. The University acknowledges its responsibility to remove barriers for its employees in accordance with *The Accessibility for Manitobans Act*. Under this legislation, the Government of Manitoba has mandated that public sector organizations, such as universities, help remove barriers by providing a more encouraging and welcoming environment for all students, faculty and staff. By promoting inclusion and diversity, Brandon University will also achieve higher levels of accessibility.

### 3.0 Definitions

- 3.1 *The Accessibility for Manitobans Act:*** Under this legislation, the Government of Manitoba has mandated that public sector organizations, such as universities, help remove barriers by providing a more encouraging and welcoming environment for all students, faculty and staff.
- 3.2 *Manitoba Human Rights Code:*** provincial legislation which prohibits unreasonable discrimination in areas such as employment, housing, accommodation, the provision of services or contracts, and signs and notices.
- 3.3 *Disability:*** as defined in *The Accessibility for Manitobans Act (AMA)*, disabilities may include, but are not limited to, blindness or visual impairment, deafness or hearing impairment, intellectual or developmental disabilities, mental health issues and chronic illness.
- 3.4 *Reasonable accommodation:*** According to *The Manitoba Human Rights Code*, an accommodation is “reasonable” when there is an adequate process has taken place and the effort and measures taken are sufficient.
- 3.5 *Accommodation:*** includes but not limited to, a modification of job duties, technical aids or devices, workstation modifications, employment practice modifications, building and accessibility modifications, communication services, and alternate support services.
- 3.6 *Duty to accommodate:*** The duty to reasonably accommodate is often described in human rights law as “accommodation short of undue hardship”.
- 3.7 *Undue hardship:*** Undue hardship is defined as more than minimal hardship and must be based on actual evidence, not assumptions or prejudices. While financial implications tend to be a contributing factor in determining undue hardship, The Manitoba Human Rights Commission considers the nature, size and scope of an organization when determining if undue hardship is valid.
- 3.8 *Barrier:*** an obstacle or circumstance that inhibits or prevents someone from being able to perform their duties. Barriers can be attitudinal, communication, informational, technological, systemic or physical.
- 3.9 *Discrimination:*** treating someone differently, to their disadvantage and without a valid reason or failing to take steps to accommodate special needs that are based on the characteristics covered under *The Code*.
- 3.10 *Systemic discrimination:*** Systemic discrimination has been defined as “practices or attitudes that have, whether by design or impact, the effect of limiting an individual’s or a group’s right to the opportunities generally available because of attributed rather than actual characteristics.”
- 3.11 *Bona fide occupational requirement:*** establishes a requirement that is necessary for proper or efficient performance of a job.
- 3.12 *Service Animal:*** an animal trained to assist a person with a disability. The assistance performed by a service animal must be directly related to the person’s physical or mental disability. A service animal is not a pet.

### 4.0 Accountability

The Vice-President (Administration & Finance) is responsible for the communication, administration and interpretation of this policy. The Vice-President (Academic & Provost) supports the communication, administration and interpretation of this policy.

The Vice-President (Administration & Finance) is responsible for advising the President and Vice-Chancellor that a formal review of this policy and secondary documents is required. The Chief Human Resources Officer is a point of contact for reference and advice.

## 5.0 Secondary Documents

The Chief Human Resources Officer or designate may approve procedures which are secondary to and comply with this policy.

## 6.0 Review

**6.1** Formal review of the policy will be conducted every three (3) years. The next scheduled review date for this policy is January 2020.

**6.2** In the interim, this policy may be revised or rescinded if the Board of Governors deems necessary or if there are changes within legislation which require such.

**6.3** If this policy is revised or rescinded, all secondary documents will be reviewed as soon as reasonably possible to ensure that they:

**6.3.1** Comply with the revised policy; or

**6.3.2** Are in turn rescinded.

## 7.0 Previous Policies

**7.1** This policy supersedes all previous Board/Senate policies on the subject matter herein; and

**7.2** All previous administration policies on the subject matter contained herein.

## 8.0 Cross Reference

### 8.1 Sources

**8.1.1** Manitoba Human Rights Commission

<http://www.manitobahumanrights.ca/index.html>

**8.1.2** Manitoba Human Rights Code

<http://web2.gov.mb.ca/laws/statutes/ccsm/h175e.php>

**8.1.3** The Accessibility for Manitobans Act

[http://www.accessibilitymb.ca/pdf/accessibility\\_for\\_manitobans\\_act.pdf](http://www.accessibilitymb.ca/pdf/accessibility_for_manitobans_act.pdf)

**8.1.4** Disability Issues Office <http://www.gov.mb.ca/dio/>

**8.1.5** Personal Information Protection and Electronic Documents Act (PIPEDA)

[https://www.priv.gc.ca/leg\\_c/leg\\_c\\_p\\_e.asp](https://www.priv.gc.ca/leg_c/leg_c_p_e.asp)

**8.1.6** Freedom of Information and Protection of Privacy Act (FIPPA)

[http://www.gov.mb.ca/chc/fippa/public\\_bodies/index.html](http://www.gov.mb.ca/chc/fippa/public_bodies/index.html)

**8.1.7** Personal Health Information Act (PHIA)

<http://web2.gov.mb.ca/laws/statutes/ccsm/p033-5e.php>

**8.1.8** Ryerson University

**8.1.9** McMaster University

**8.1.10** Carleton University

**8.1.11** University of Manitoba

## **8.2 Documents**

- 8.2.1** *Workplace Accommodation Procedure*
- 8.2.2** *Accommodation Request form*
- 8.2.3** *Workplace Accommodation Planning Checklist*
- 8.2.4** *Workplace Accommodation Plan*
- 8.2.5** *Workplace Accommodation Fund Policy*
- 8.2.6** *Workplace Accommodation Fund Procedure*
- 8.2.7** *Workplace Accommodation Fund Guidelines and Application*