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

## 1.0 Scope

**1.1** This procedure applies to all Brandon University employees (faculty and staff) as well as job applicants.

**1.2 Employees:** Employees have a responsibility when requesting an accommodation to:

- Communicate the request to their immediate supervisor along with the necessary requirements;
- Actively participate in the accommodation process to find reasonable solutions.

**1.3 Job Applicants:** Job applicants have an obligation to communicate any known accommodation needs to the University and to participate in the accommodation process. Human Resources will work with the selection committee to facilitate a reasonable accommodation during the interview process, such as providing translators or interpreters, offering a wheelchair-accessible interview space, or rescheduling interviews to respect religious observances.

**1.4 Supervisors:** When Supervisors, including Department Chairs, Directors, Deans, Managers and Senior Administrators, are presented with a workplace accommodation request, they have an obligation to:

- Accept the accommodation request in good faith;
- Handle the accommodation request as quickly as possible;
- Manage the process by including the employee and all relevant stakeholders in determining accommodation solutions;
- Document the process including the accommodation request and the appropriate steps taken; and
- Maintain confidentiality and adhere to privacy legislation (PIPEDA, PHIA, FIPPA).

**1.5 Unions and Associations:** Employee unions and associations are expected to actively participate with and support their members and the University to help find reasonable solutions to workplace accommodation requests.

**1.6 Human Resources Office:** The Human Resources Office (HRO) will:

- provide advice and guidance to employees and supervisors regarding workplace accommodation procedures;
- aid in the interpretation and application of the workplace accommodation process;
- assist with disability management and return-to-work plans;
- request medical documentation to support the implementation of a reasonable workplace accommodation;
- maintain confidentiality and ensure that accommodation requests are handled in a manner consistent with privacy legislation (PIPEDA, PHIA, FIPPA).

**1.7 Diversity and Human Rights Advisor:** The Diversity and Human Rights Advisor (DHRA) is available to provide confidential consultation regarding human rights concerns and/or complaints related to workplace accommodations.

## 2.0 Reason for Procedure

To set out procedures secondary to the *Workplace Accommodation Policy* as Brandon University supports and promotes the employment of persons with disabilities by providing accommodation in employment for those with disabilities.

### 2.1 Workplace Accommodation Procedure

Brandon University acknowledges its responsibility to its employees to adapt the workplace for reasonable accommodation requests, to the point of undue hardship. Employees have a responsibility to take an active role in the accommodation process. Unions and associations have a responsibility to support the employees and University, and to participate in the implementation of reasonable accommodations.

All parties will respect and preserve confidentiality when dealing with an accommodation request. Where the accommodation process requires the release of confidential information to a third party, that third party will be required to ensure that confidentiality is protected and is used solely for the purpose of implementing the accommodation.

## 3.0 Procedure(s)

**3.1 Reasonable Accommodation:** In order to address a workplace accommodation request, it must be determined that the request is reasonable. A reasonable workplace accommodation must meet a 'need', not necessarily a 'want'. Although a reasonable accommodation may not be ideal, the duty to accommodate is described as 'accommodation short of undue hardship'.

**3.2 Statement on 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.

**3.3 Return-to-Work Accommodation Protocol:** The University understands that employees who are returning to work due to illness or injury may require return-to-work accommodations in order to facilitate the transition to regular work duties. A full Return-to-Work protocol has been created to help manage this transition.

## 4.0 Process

### 4.1 Workplace Accommodation Process

The process for a workplace accommodation includes the following:

**4.1.1 Step 1: Request a Workplace Accommodation:** An employee who requires a workplace accommodation must provide a written accommodation request using the *Accommodation Request form*. This request must include:

- The nature of the workplace accommodation;
- The reasons for which the accommodation is being sought (eg. Disability, Family Status, etc.);
- For cases of disability, supporting medical documentation.

**4.1.2 Step 2: Consideration of Accommodation Request:** Workplace accommodations may include, but are not limited to:

- Technical aids, including software and hardware;
- Workstation modifications or building modifications;
- Work schedule modifications or adjustments;
- Alternative media formats for communication;
- Restructuring non-essential job duties;
- Alternate supports, such as sign language interpreters, service animals.

Funding for items required to meet the individual's accommodation request are to be processed through the department/unit budget. For an extensive accommodation request which may affect or impact the University, application may be made by the supervisor to Senior Administration to request supplementary budget funds from the University's *Workplace Accommodation Fund (WAF)*.

Workplace accommodations may be declined in rare situations when:

- It causes undue hardship; or

- A bona fide occupational requirement is reasonably necessary to perform the duties of the position.

**4.1.3 Step 3: Stakeholders' Involvement:** Because a workplace accommodation impacts multiple workplace parties, it must be a collaborative process. This process includes discussion with the employee, union or association representative (if applicable), the employee's supervisor, Human Resources and the attending physician or practitioner (if applicable). A collaborative discussion should occur regarding the employee's needs and the University's operational requirements.

**4.1.4 Step 4: Implementation of Accommodation Plan:** Once the parties have discussed the workplace accommodation request, a written plan will be prepared to outline the nature of the accommodation. The *Workplace Accommodation Plan (WAP)* will include the University's commitment as well as the employee's commitment to cooperatively implement the accommodation. The plan will include details such as:

- Person(s) responsible;
- Person(s) involved;
- Details of the accommodation plan;
- Timelines for implementing the accommodation;
- Duration of the accommodation;
- Follow-up process to evaluate the accommodation;
- Signatures of workplace parties supporting their commitment to the implementation of the accommodation plan.

Should the accommodation require adjustment, the plan may be revised accordingly. It is a dynamic document intended to support the employee in the workplace.

**4.1.5 Step 5: Review, Assessment and Evaluation of Accommodation:** The accommodation plan will be reviewed at regular intervals mutually agreed upon by both the employee and the employee's supervisor. The plan will be assessed to determine its effectiveness in meeting the needs of the employee and ensuring the work functions are being satisfied.

When the plan has an end-date, the employee and supervisor will meet to evaluate the plan's effectiveness and to determine if an extension to the accommodation is required.

Accommodation plans will be taken into consideration when employee performance assessments are conducted.

A *Workplace Accommodation Planning Checklist (WAPC)* is available for supervisors to follow to ensure they are following the Workplace Accommodation Process.

## **5.0 Accountability**

**5.1** The Chief Human Resources Officer or designate may revise or rescind process as identified in these procedures to:

- comply with the revised policy; or
- adjust process as reasonably necessary.

## **6.0 Secondary Documents**

### **6.1 Forms**

- *Accommodation Request form*
- *Workplace Accommodation Planning Checklist*
- *Workplace Accommodation Fund guidelines and application*
- *Workplace Accommodation Plan*

## **7.0 Review**

**7.1** Review of the procedures will be conducted every three (3) years. The next scheduled review date for the procedures is January 2020.

## **8.0 Cross Reference**

### **8.1 Documents**

- *Workplace Accommodation Policy*