

4.9 Reasonable Accommodation Policy

Intent

The employer will work to achieve a workplace free of barriers by providing accommodation for those individuals requiring it. Every effort will be made such that the impact of accommodation will not affect other employees.

Scope

This policy applies to all employees, and candidates for employment always and without exception.

Unionized employees are requested to refer to their current Collective Agreement for specific information pertaining to reasonable accommodation. Where the Collective Agreement is silent, bargaining members shall refer to the contents of this policy. In situations where the directions of this policy cover issues also in the Collective Agreement, the Collective Agreement will be the final authority.

This policy has been developed to incorporate the legislative requirements of Alberta, British Columbia and Ontario and shall be updated accordingly should the employer expand its operations into additional provinces.

Guidelines

The employer has adopted this policy to ensure that staff are provided with employment that is ethical and fair, and complies with all applicable employment and human rights legislation.

The employer will work with any individual requesting either permanent or temporary accommodation and ensure that the measures taken are both effective and mutually agreeable. The employer encourages individuals to make any needs for accommodation known to management, and to work with them to ensure the necessary work modifications are satisfactorily completed.

The employer shall provide accommodation as appropriate when possible, using a consultative approach that involves the company, the individual, and if appropriate, any applicable union representatives, healthcare professionals, and other third parties.

The following definitions for a person with a disability are sourced from the Human Rights Codes of the various provinces in which the employer currently operates:

Ontario

- Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, and any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device;
- A condition of mental impairment or developmental disability;
- A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- A mental disorder; or
- An injury or disability for which benefits were claimed or received under the Workplace Safety and Insurance Act.

Alberta

- Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, service dog, or wheelchair or another remedial appliance or device.
- Mental disability is defined as any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

British Columbia

- British Columbia's Human Rights Code does not give a definition of a mental or physical disability.
- Any employee requesting accommodation must make a request to their manager or immediate supervisor. The manager is responsible for ensuring that a written description of the accommodation plan is prepared for the employee.

In the creation of an accommodation plan, the employer will:

1. Determine objectives for performance in the role, and potential barriers.
2. Create a plan for achieving the objectives in an alternate manner.
3. Examine the options for accommodation, and select the most appropriate.
4. Where necessary, consider redesigning or restructuring the position.
5. Implement the accommodation process.
6. Provide training as appropriate.
7. Review and revise the plan based on feedback.

In some cases, due to an inability to accommodate an individual in their current role, management will be required to place the employee in a different yet lateral position. This may require the assistance of third parties with specialized expertise.

Where an employee is placed in an alternate position, the employer shall ensure that the employee has the requisite qualifications and skill-sets necessary for success in the position, can perform the tasks associated with the position, and that the employee agrees that the alternate work is acceptable. It is at management's discretion to implement a probationary period for the employee in the new role. Necessary training will be provided and all attempts will be made to ensure the success of the employee.

The union must cooperate in the accommodation process of any employee they represent.

Where the accommodation required necessitates an investment in materials, equipment or increased budget for the position, requests for financing must be directed to head office.

The employer will work to provide workplace accommodation up to the point of undue hardship. Undue hardship may occur where it is established that no forms of appropriate accommodation exist, or where the creation of accommodation would cause excessive costs that create undue hardship for the organization, or where the accommodation would create a health and safety hazard.

Any individual communicating the need for accommodation shall be considered in a manner that is non-discriminatory, and respectful of our Human Rights obligations.



Failure to comply with this policy may result in disciplinary action up to and including termination.