



WORKPLACE ACCOMMODATION GUIDELINES: **PHYSICAL OR MENTAL DISABILITY**

Emily Carr University of Art + Design is committed to providing an equitable and inclusive working environment, that values diversity and prevents discrimination on the grounds protected by the BC *Human Rights Code*.

The University will take reasonable steps to accommodate employees whose participation in the workforce is affected by limitations or restrictions arising from a physical or mental disability, up to the point of undue hardship.

These guidelines outline the process for seeking and designing workplace accommodations related to physical and/or mental disabilities, including details surrounding the supports and processes available to employees who request such accommodations.

Principles

The University will take reasonable steps to accommodate employees whose participation in the workforce is affected by limitations or restrictions arising from a physical or mental disability, up to the point of undue hardship.

For the purposes of accommodation, a “disability” means an involuntary physical or mental medical condition, that meets both the following criteria:

- it has some degree of permanence; and
- it places restrictions or limitations on an employee’s functional abilities in the workplace.

Accommodations are dealt with on a case-by-case basis and will be based on the employee’s individual circumstances. They may include such measures as changes to the employee’s physical workspace, adaptations to the equipment or tools used, adjustment of working conditions, reassignment or exchange of non-essential tasks, changes in hours or days of work, employment policy or practice modifications, job transfer to a suitable job vacancy for which an employee is qualified, among other factors.

Accommodations can be temporary, such as for the duration of a treatment plan, or be periodic or long-term, depending on the employee’s medical condition.

An employee who wishes to be considered for a disability-related accommodation must provide the University with suitable medical information which establishes the existence of a disability, and supports the requirement for accommodation. The medical information required by the



University will depend on the individual circumstances. It must enable the University to determine the specific job accommodations that are medically required because of the employee's disability.

Successful accommodation relies on collaboration and cooperation between the employee, the applicable manager(s), the employee's union (if applicable) and Human Resources. All parties will be expected to participate reasonably in the search for an appropriate accommodation.

The University is not able to provide an accommodation that would cause undue hardship. The existence of undue hardship will depend on the individual circumstances. Relevant factors may include, but are not limited to, the following:

- Whether there is a risk to the safety of the employee or others;
- The financial cost of the accommodation;
- Whether the proposed accommodation would result in lowering material performance standards, or in essential job requirements not being met;
- Whether the accommodation would be unduly disruptive to the work environment or have a significant adverse impact on the rights or morale of other employees.

An employee who requests accommodation must be able to perform the essential requirements of the job. If the accommodation involves a transfer to a different position, the employee will be paid the wage rate for the position to which they are transferred.

The duty to accommodate does not require the University to satisfy demands that are unreasonable, create a job where none exists, displace another employee, assign "make work" duties that are not of tangible benefit to the University, or place an employee in a job for which they are not qualified or that they are not able to perform safely and productively.

Requests for accommodation will be denied by the University where:

- The request is not linked to personal characteristics protected by the BC Human Rights Code;
- There is insufficient evidence to support the request;
- The employee failed to cooperate in the accommodation process, or refused a reasonable accommodation proposed by the University; or
- The requested accommodation would cause the University undue hardship.

Any technical aids, adaptive equipment, furniture or other property purchased for an accommodation is the property of the University.

Procedures



1. A request for an accommodation should be made to the Human Resources department in writing. The Employee should be clear that they are requesting medical accommodation due to a barrier or limitation associated with a disability.
2. In some circumstances, the University may initiate the accommodation discussion.
3. The Employee must provide a medical letter or note, completed by a duly qualified medical professional who has specific training, expertise, and experience in the diagnosis of condition(s) for which the accommodations are being requested. This letter/note should include all of the following information:
 - Confirmation that a disability exists, including information regarding the nature of the disability;
 - Details of the relevant disability-related restrictions and limitations, and a description of how they are impacting the employee's functional abilities in the workplace;
 - The prognosis for recovery (expected duration);
 - Confirmation that the employee is receiving appropriate treatment and that the employee is compliant – the specifics of the treatment plan are NOT required; and
 - The job modifications or other accommodations that are recommended, and the reasons for such recommendations.
4. The University will cover the reasonable cost of the medical letter/note. To be reimbursed, send the receipt along with the medical letter/ note to Human Resources at benefits@ecuad.ca.
5. The employee's medical information will be reviewed by a Human Resources Advisor.
6. Medical reports and other accommodation information received by the University will be treated as private and confidential, and will only be shared on a need-to-know basis.
7. Additional information, or supporting/medical documentation, may be required to verify the need for accommodation, or to assist the University in designing an appropriate accommodation plan. To facilitate this process, the University may provide the employee with a form for completion by their physician.
8. Human Resources will work with the employee and their administrative supervisor to develop an accommodation plan. If the employee is a member of CUPE or the Faculty Association, their union steward will be included in the development of the plan. Details



of the limitations and/or restrictions of activities will be discussed as they pertain to the applicable job duties or workplace requirements.

9. The University may work with a third-party occupational health specialist or consultant to provide expertise and facilitate the accommodation process.
10. The University may ask the employee to participate in an Independent Medical Evaluation (IME), in circumstances where an IME is reasonably necessary.
11. The University will cover the costs of an IME or an occupational health specialist or consultant. These services are typically procured by Human Resources and will be invoiced by the health care provider directly.
12. Once a decision has been made regarding the request for medical accommodation, the employee will be supplied with the decision, and an offer of accommodation will be made if appropriate. A meeting with the employee, Human Resources, the administrative supervisor and a union representative (as appropriate) will be held to review the accommodation plan and sign the agreement. A signed copy of the plan will be placed in the employee's file and copies shall be retained by the supervisor and the union (if applicable).
13. If Human Resources determines that the employee is not eligible for accommodation, or that the University is unable to accommodate the employee, it will advise the employee in writing and provide reasons for this determination.
14. Medical accommodations are reviewed periodically to ensure that the plan is effectively resolving the challenge, and to determine whether any modifications are required. The employee and their administrative supervisor are responsible for monitoring the accommodation.
15. If an employee's abilities, needs, or the conditions of their job change, the employee or their administrative supervisor should notify Human Resources as soon as possible. Human Resources will then obtain the necessary information to determine whether or not the existing accommodation should be modified, discontinued or replaced.
16. Human Resources will document each stage in the accommodation process.

Graduated Return to Work Plans

Graduated Return to Work (GRTW) plans are arrangements that support an employee's return to the workplace under a medically prescribed process. The goal of most GRTWs is to gradually



increase the duration and frequency of attending the workplace. This is commonly referred to as “work-hardening” and is considered an important step in the recovery from a serious medical issue/event.

Details of a GRTW and related temporary accommodation measures are developed in consultation with the employee’s healthcare provider and/or third-party disability management consultant or insurance carrier. The plan typically involves a steady progression of hours that fit an individual’s abilities, limitations, and restrictions upon returning to work. It is common to have modified duties, which are an agreed upon set of tasks, duties, and job functions tailored to the specific medical needs of the employee.

When the employee’s return-to-work is coordinated by a third-party disability management consultant or insurance carrier, the process laid out in this guide may not be applicable since these agents would have collected the necessary information to facilitate the development of the GRTW.

Confidentiality

The University is committed to protecting the privacy of all employees. The University will manage and protect all confidential and personal information (including employment and medical information), in any form, in accordance with its obligations under the B.C. *Freedom of Information and Protection of Privacy Act*. Personal information that Human Resources receives through the course of an employee’s employment is not to be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information under the Act.

Questions or concerns about the University’s collection, use, disclosure or storage of personal information should be directed to privacy@ecuad.ca.

Roles and Responsibilities in the Workplace Accommodation Process

Employee Responsibilities:

- Communicate the request for accommodation at the earliest possible opportunity.
- Explain the request for medical accommodation and the impact on the ability to perform work.
- Cooperate by providing relevant and appropriate information with sufficient details to support the accommodation request.
- Cooperate and actively participate in good faith. An employee is expected to fully participate in the effort to find a reasonable accommodation, exploring all alternatives and solutions, while recognizing that the result may not be the preferred accommodation.



- Consider all offers of accommodation that effectively address limitations. An employee is not entitled to a “perfect accommodation”, but one that is reasonable.
- Communicate through appropriate channels if the accommodation needs to be changed or reviewed.
- Perform the substantive duties of the position within the context of the accommodation.
- Cooperate with third-party providers, when appropriate.

Human Resources Responsibilities:

- Provide guidance, training, and coaching pertaining to the accommodation process.
- Request only information that is required to facilitate the accommodation process.
- Obtain expert advice or opinion where necessary.
- Respect employee privacy and maintain confidentiality.
- Take an active role in ensuring that alternative approaches and reasonable accommodation solutions are investigated.
- Communicate and liaise with stakeholders (employees, union representatives, management, and relevant third-parties, including insurance carriers).
- Ensure that reasonable steps are taken to accommodate employees whose participation in the workforce is affected by limitations or restrictions arising from a physical or mental disability, up to the point of undue hardship.
- Where possible, offer temporary/informal accommodations while exploring accommodation options or while obtaining details on functional limitations and restrictions.
- Review requests in a timely manner.
- Keep a record of the request and action taken.

Union Responsibilities (if applicable):

- Encourage their members to identify and communicate through the appropriate channels on their need for accommodation.
- Assist and represent their members in the accommodation process.
- Respect employee privacy and maintain confidentiality.
- Collaborate with all parties to find and implement a reasonable accommodation, up to the point of undue hardship.
- Consider modification of collective agreement terms where necessary.
- Balance the rights of its members in the accommodation process.

Manager/Supervisor Responsibilities:

- Initiate the accommodation process if it is identified that there may be a need to accommodate.
- Identify performance problems early in order to separate performance from the need to accommodate.



- Respond promptly to an employee about the need for accommodation.
- Determine what barriers might affect the employee requesting the accommodation and explore options for removing these barriers.
- Be prepared to evaluate the options for reasonable accommodation.
- Actively participate in discussions with other stakeholders in the process (employee, union, Human Resources)
- Inform team members on a need-to-know basis after consulting with the employee, respecting privacy rights as appropriate.
- Respect employee privacy and maintain confidentiality.
- Ensure all work assigned is meaningful, productive, and has value to the University.
- Check in with the employee to understand if accommodation measures need to be changed or if the agreed-upon solution has not worked as it was intended and explore ways to modify the arrangements.

To access these supports, or for general inquiries relating to employee accessibility services, please contact Human Resources at benefits@ecuad.ca