



University College of the North

## Policies & Procedures Manual

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Policy Number:

AD-02-03

Approved by:

President's Council

Section:

**ADMINISTRATION - ACCESSIBILITY**

Effective Date:

March 8, 2021

Title:

**ACCOMMODATION OF EMPLOYEES AND PROSPECTIVE EMPLOYEES**

Replaces:

New

### POLICY STATEMENT

University College of the North (UCN) is committed to inclusion, to building and maintaining a diverse organization, and respecting all people's abilities. UCN is committed to ensuring all people are treated with fairness and dignity, while ensuring equal opportunity for all by accommodating persons with disabilities in the recruitment process and in the workplace.

### PURPOSE OF POLICY

The purpose of this policy is to ensure all members of the UCN community are aware of the importance of and requirement to provide accommodation to employees or prospective employees who are or may be disabled by one or more barriers in the workplace. This policy addresses the Accessible Employment Standards Regulations under The Accessibility for Manitobans Act (AMA) (<http://www.accessibilitymb.ca/>) and provides guidance on the process in place at UCN to request and provide accommodation to employees and prospective employees to ensure a barrier-free environment.

### DEFINITIONS

For the purpose of this policy:

**"Accommodation"** means to take steps to prevent or remove barriers to allow persons with disabilities opportunities to participate equally in access to employment.

**"Undue hardship"** is assessed on a case by case basis, considering various factors relating to the situation including, but not limited to, health and safety risk; disruption to collective agreements or other contracts; financial costs; business efficiency; interchangeability of employees and facilities; impact on employees and service users; and workplace size.

### PROCEDURES

1. This policy applies to all UCN employees, prospective employees, members of the Governing Council, Learning Council and Council of Elders, contractors and any other individual or company who may perform services for UCN.
2. Employees and prospective employees who are temporarily or permanently disabled by one or more barriers in the workplace, may request accommodation based on their individual circumstances. UCN recognizes that the accommodation provided to an individual, may not fully address a barrier that disables them.

3. This Policy applies to all aspects of employment including, but not limited to:
  - a) Recruitment
  - b) Hiring
  - c) Supervision
  - d) Training
  - e) Promotions and transfers
  - f) Work assignments and hours of work
4. The Human Resources Manager is responsible for the overall administration of this policy. However, all supervisors, employees and prospective employees have responsibilities in implementing this policy in relation to accommodation requests and accommodation plans.
5. Employees and prospective employees must notify Human Resources (HR) regarding a need for accommodation. The individual will request any known accommodation needs on the **Employee Request for Accommodation** form and will cooperate with reasonable requests for evidence establishing accommodation needs through the **UCN Employee Medical Documentation** form.
6. Employees and prospective employees can request a representative, such as a bargaining agent or person who is knowledgeable in the area of workplace accommodations to assist with the development of an accommodation plan.
7. Employees who have been absent from work due to a disability must notify HR to determine if accommodation is necessary to facilitate the return to work process. The Workers Compensation Act prevails over the return to work process under the AMA Accessible Employment Standard Regulation.
8. Employees and prospective employees are responsible for cooperating in all phases of the accommodation process, and for preparing to accept reasonable offers of accommodation that meet their needs, even if the offered accommodation is not their first choice.
9. Employees are expected to make reasonable attempts to succeed in an accommodation, including meeting the performance requirements of their position and communicating with HR or their supervisor if requesting modifications to the plan or if accommodation is no longer required.
10. If a Supervisor is notified of a documented need for accommodation, they will cooperate fully with the accommodation process.
11. Supervisors will inquire regarding an employee's potential need for accommodation where there is reason to suspect a medical condition may be impacting an employee's ability to perform some or all of their duties.
12. UCN will deal with requests for accommodation in a timely, fair, sensitive and confidential manner based on the individual needs and circumstances involved. Accommodation to the point of undue hardship will be made on a case-by-case basis to meet the specific needs of employees and prospective employees.
13. In circumstances in which an accommodation request is denied, HR will provide the employee with a written explanation for why the request was denied.
14. HR will ensure the completion of the **Individual Employee Accommodation Plan** in consultation with the employee and supervisor, and will also ensure that this document is held in confidence in HR. Individual Employee Accommodation Plans will be modified as needed when there are any changes to an employee's workspace, responsibilities or any other changes that may impact the accommodation required.
15. UCN will establish an Annual Accessibility Training Calendar, to include accommodation training and will provide online and in-person training to employees and management as required under the AMA, Accessible Employment Standard Regulation on an ongoing and as needed basis.

16. The duty to accommodate is a legal and moral requirement for UCN as the employer. All managers, supervisors and employees at UCN are obligated to an accommodation where applicable, and have a duty to cooperate with the accommodation process. The onus is on UCN to establish that it has fulfilled the duty to provide reasonable accommodation. If an employee or prospective employee feels that UCN has not fulfilled the duty to accommodate, they may choose to file an appeal with the Chief Administrative Officer, Human Resources, the President and Vice-Chancellor, the Manitoba Government and General Employees' Union (MGEU) where applicable, or the Manitoba Human Rights Commission or any other avenue they choose.
17. UCN is committed to protecting the privacy of all individuals. It recognized that UCN will require sufficient information to reasonably evaluate and respond to a request for accommodation. All such information will be governed by privacy legislation, including the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Information Health Act (PHIA).