

## Workplace Accommodation Policy

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<p><b>Approval Authority</b> Human Resources and Governance Committee</p>	
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- 1 Purpose**                      The purpose of this policy is to formally recognize the University’s Duty to Accommodate Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees, in its role as an employer, under the Alberta Human Rights Act.
- 2 Scope**                         This policy applies to the Accommodation of Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees at the University. It facilitates arrangements that eliminate barriers to ensure that those who are otherwise able to work are not excluded from doing so based on a Protected Ground.
- This policy does not apply to modifications to an individual’s job responsibilities to address a personal preference.
- 3 Definitions**                    In this policy:
- a) “Academic Staff Member” means an individual who is engaged to work for the University and is identified as an academic staff member under Article 1 of the applicable Collective Agreement.
- b) “Accommodation” means an arrangement that eliminates barriers to ensure that Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees who are otherwise able to work are not excluded from doing so based on a Protected Ground.

- c) “Act” means the Alberta Human Rights Act in force at the relevant time.
- d) “Bona Fide Occupational Requirements” means those specific skills, abilities, duties or practices that are necessary to achieve the legitimate objectives of a position at the University.
- e) “Collective Agreement” means any collective agreement between the Governors of the University of Calgary and an association or union representing Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members or Employees, in each case, in effect at the relevant time.
- f) “Dean” means the head of a faculty at the University.
- g) “Disability” means any degree of physical disability or mental disability as defined and interpreted pursuant to the Act, regardless of cause or duration.
- h) “Duty to Accommodate” means the legal duty to accommodate an individual’s needs based on a Protected Ground.
- i) “Employee” means an individual, other than an Academic Staff Member, Postdoctoral Scholar or Graduate Student Staff Member, who is engaged to work for the University under an employment contract. This includes undergraduate students, in the context of their employment, who are engaged to work for the University under an employment contract.
- j) “Graduate Student Staff Member” means, in the context of their employment, a student in a course of study in the Faculty of Graduate Studies who is engaged to work for the University under an employment contract.
- k) “Human Resources” means the Human Resources department at the University.
- l) “Legal Services” means the Legal Services department at the University.
- m) “Letter of Accommodation” means the document prepared by the University that details a Reasonable Accommodation.
- n) “Manager” means the individual at the University who is not a member of a bargaining unit and who supervises or directs the work of an Employee.
- o) “Postdoctoral Scholar” means an individual who has completed a doctoral degree and is carrying out research at the University under the direction or mentorship of a supervising Academic Staff Member.

- p) “Protected Grounds” means the grounds listed in Section 7 of the Act as they are defined and interpreted pursuant to the Act including:
  - i. race;
  - ii. religious beliefs;
  - iii. colour;
  - iv. gender;
  - v. gender identity;
  - vi. gender expression;
  - vii. physical disability;
  - viii. mental disability;
  - ix. age;
  - x. ancestry;
  - xi. place of origin;
  - xii. marital status;
  - xiii. source of income;
  - xiv. family status; and
  - xv. sexual orientation.
- q) “Reasonable Accommodation” means an Accommodation that addresses discrimination based on a Protected Ground that does not create Undue Hardship for the University.
- r) “Staff Wellness” means the Staff Wellness department at the University.
- s) “Senior Leadership Team” means the individuals who, at the relevant time, are designated as members of the University’s Senior Leadership Team.
- t) “Undue Hardship” means the legal standard where a proposed Accommodation would create unreasonable hardship for the University.
- u) “University” means the University of Calgary.

#### **4 Policy Statement**

- 4.1** The University will accommodate its Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees, to the point of Undue Hardship.
- 4.2** Accommodation is a shared responsibility between the University, Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members, Employees, and any applicable bargaining agent.
- 4.3** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees are expected to cooperate with the University throughout the Accommodation process.

- 4.4** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees must be able to meet the Bona Fide Occupational Requirements of their work.
- 4.5** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees needing an Accommodation are entitled to a Reasonable Accommodation, not a perfect Accommodation or the particular Accommodation they request.
- 4.6** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees may engage an applicable bargaining agent at any point in their efforts to secure a Reasonable Accommodation.
- 4.7** The University will:
  - a) provide an Accommodation process that promotes equitable access to employment;
  - b) protect the privacy and confidentiality of Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees requesting Accommodation and share information only when necessary to evaluate a request for Accommodation, or to ensure appropriate implementation of any Letter of Accommodation; and
  - c) consider and assess all Accommodation requests on a case-by-case basis and in a timely and responsive manner.

#### **Requesting an Accommodation**

- 4.8** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees needing an Accommodation should communicate this need in accordance with the Procedure for Workplace Accommodation.
- 4.9** In consultation with the relevant Dean or Manager, Human Resources will evaluate and document Accommodation requests in accordance with this policy and the Procedure for Workplace Accommodation.
- 4.10** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees requesting Accommodation should be prepared to:
  - a) identify the Protected Ground that gives rise to the need for an Accommodation;
  - b) provide details on the nature of the Accommodation requested;
  - c) provide supporting documentation, if requested;
  - d) participate and cooperate in the process of assessing and determining a Reasonable Accommodation; and
  - e) meet any Bona Fide Occupational Requirements
- 4.11** The University will engage in consultation with an Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee who requests an Accommodation, and explore Accommodation options.

- 4.12** Human Resources will consult any applicable bargaining agent respecting Accommodation requests if the Accommodation may result in a change to the relevant Collective Agreement.

#### **Evaluating a Request for Accommodation**

- 4.13** Human Resources can consult Legal Services, Staff Wellness, and other subject matter experts internal or external to the University to evaluate a request for Accommodation.
- 4.14** A request for Accommodation will be denied in cases of Undue Hardship. In determining whether or not there is Undue Hardship the University may consider, among other things:
- a) significant disruption of operations;
  - b) health and safety concerns;
  - c) substantial interference with the rights of other individuals or groups;
  - d) Bona Fide Occupational Requirements; and
  - e) financial cost to the University as a whole (not to a unit, program or department).
- 4.15** Undue Hardship is a difficult legal standard to meet. In most cases a Reasonable Accommodation will be available.

#### **Implementing An Accommodation**

- 4.16** When a Reasonable Accommodation has been identified, Human Resources will prepare a Letter of Accommodation and provide copies to the relevant Dean or Manager and the person requesting the Accommodation.

### **5 Special Situations**

In exceptional cases, the Dean or Senior Leadership Team member may apply for additional funding to facilitate a Reasonable Accommodation.

### **6 Responsibilities**

- 6.1** The Provost and Vice-President Academic, in consultation with Legal Services, will decide whether an Accommodation for a particular Academic Staff Member, Postdoctoral Scholar or Graduate Student Staff Member would impose Undue Hardship on the University. The Provost and Vice-President Academic may, in exceptional cases, authorize additional funds to enable Reasonable Accommodation of Academic Staff Members, Postdoctoral Scholars, and Graduate Student Staff Members.
- 6.2** The Vice-President, Finance and Services, in consultation with Legal Services, will decide whether an Accommodation for a particular Employee would impose Undue Hardship on the University. The Vice-President, Finance and Services may, in exceptional cases authorize additional funds to enable Reasonable Accommodation of Employees.

- 6.3** Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees requesting an Accommodation will:
- a) provide information as required;
  - b) participate and cooperate in the process of assessing and determining a Reasonable Accommodation in accordance with the Procedure for Workplace Accommodation; and
  - c) meet any Bona Fide Occupational Requirements.
- 6.4** Deans and Managers will:
- a) advise Human Resources of requests received in accordance with the Procedure for Workplace Accommodation;
  - b) work with Human Resources to determine the Bona Fide Occupational Requirements;
  - c) participate, cooperate and consult with necessary University departments in identifying and assessing Accommodation options, and developing a Letter of Accommodation; and
  - d) periodically review the Letter of Accommodation with the Academic Staff Member, Postdoctoral Scholar, Graduate Student Member or Employee, and, if applicable, the bargaining agent, to ensure continued Reasonable Accommodation.
- 6.5** Staff Wellness will:
- a) advise Human Resources of all Accommodation requests received;
  - b) manage all medical information pertaining to requests for Accommodation based on a Disability; and
  - c) confirm the functional abilities and limitations of the Academic Staff Member, Postdoctoral Scholar, Graduate Student Staff Member or Employee who requests an Accommodation based on a Disability
- 6.6** Human Resources will:
- a) ensure that Academic Staff Members, Postdoctoral Scholars, Graduate Student Staff Members and Employees are aware of this Policy and the Procedure for Workplace Accommodation;
  - b) monitor compliance with this Policy and the Procedure for Workplace Accommodation; and
  - c) coordinate requests for Accommodation and prepare Letters of Accommodation in accordance with the Procedure for Workplace Accommodation.
- 6.7** Senior Leadership Team members will review Accommodation efforts and ensure all other options have been considered before applying for additional funding for an exceptional case.
- 6.8** Legal Services will advise on issues of Accommodation and Undue Hardship.

- 7 Related Policies**      [Student Accommodation Policy](#)
- 8 Related Procedures**      [Workplace Accommodation, Procedure for](#)
- 9 Related Instructions/Forms**      [Academic Staff/Postdoctoral Scholar/Graduate Student Staff Member Accommodation Request Form](#)  
[Employee Accommodation Request Form](#)
- 10 Related Information**      [Workplace Accommodations FAQs](#)
- 11 References**      [Alberta Human Rights Act](#)
- 12 History**      *Approved: June 12, 2018*  
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