

EMPLOYEE ACCOMMODATION PROCEDURE

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

Functional Category:	Human Resources
Parent Policy:	Attendance Management
Approval Date:	November 2, 2021
Effective Date:	November 2, 2021
Procedure Owner:	Vice President, People and Culture
Procedure Administrator:	Manager, People Services

Overview:

This procedure will clarify roles and expectations of the employee, People Leader, and People and Talent related to an accommodation request to foster an inclusive workplace without causing undue hardship.

NorQuest provides a workplace that ensures equal opportunity free from discrimination based on race, colour, national or ethnic origin, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, or disability.

Authority to establish this procedure is derived from the [NorQuest College Board of Governor's Policy No. 5](#) which delegates authority to the President and CEO to establish policies and procedures for the college's management and operation.

Procedures:

Duty to Accommodate:

The duty to accommodate protects individuals from being denied opportunities or being discriminated against in employment based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, gender identity, gender expression, age, physical disability, mental disability, marital status, family status, source of income, and sexual orientation.

The purpose of the duty to accommodate in employment is to promote, *within the bounds of reason*, the ability of individuals to fairly and equally participate in the workplace through the elimination of the discriminatory effects of workplace standards.

Limits to the Duty to Accommodate:

The duty to accommodate has limits. Below is a non-exhaustive list of some practical examples of the limits to the college's duty to accommodate:

- Accommodate where undue hardship to the college will result;
- Create an unnecessary job;
- Hire a candidate who, after being accommodated during the selection process, does not meet the essential qualifications required for the position;

- Retain an employee who is unable to meet their employment responsibilities despite accommodations; and
- Accommodate an employee's persistent absences if the absences are unrelated to a protected ground.

Recognizing the Need for and Requesting Temporary or Permanent Accommodation:

Recognizing a potential need for accommodation can be initiated in one of two ways:

- The employee approaches their People Leader and requests an accommodation.
- Or the People Leader recognizes a need and consults with their Human Resources Consultant to explore conditions that may require an accommodation realizing they have an obligation to initiate a discussion around an accommodation.

People and Talent will facilitate the development of a written Accommodation Plan in collaboration with the People Leader, employee, and other stakeholders as required.

Through collaboration with the college's Occupational Health and Safety (OHS) Consultant, a Jobs Demands Analysis (JDA) may also be reviewed to determine essential duties and physical requirements of the role.

A Workplace Accommodation Plan must be completed in collaboration with the area's Human Resources Consultant and submitted to People Services for inclusion into the employee file. The Accommodation Plan will be monitored, and reassessed on a six-month basis or as business needs require. Permanent workplace accommodation requests will be reviewed to seek out reasonable permanent solutions. This may include employees placed in a new permanent or term position that meets the employee's physical or mental abilities, or a change in FTE.

Roles and Responsibilities:

Employee

- Submit a verbal or written request for a work accommodation in good faith to their People Leader.
- Cooperate with the Talent Coordinator by providing relevant information and appropriate documentation to support the accommodation request which may include a prognosis letter from their physician.
- Understand the college is entitled to receive sufficient information to provide an effective accommodation which normally includes details on functional limitations/ restrictions for disability-related accommodations.
- Consider all accommodation proposals brought forth by their People Leader.
- Allow for a reasonable time for a review of the accommodation request.

- Participate in the college's Employee Recovery Assistance Program (ERAP) in order to assist the facilitation of an appropriate plan.
- Communicate with their People Leader if an accommodation needs to be changed or if the agreed-upon solution has not worked as intended.
- Act in a professional and respectful manner towards individuals requiring an accommodation.

People Leader

- Foster an inclusive work environment.
- Identify and eliminate barriers that prevent employees from accessing, or being included in the workplace.
- Endeavour to conduct a meeting with the employee requesting an accommodation as soon as possible and review information with the Human Resources Consultant to determine if additional medical documentation is required while maintain the strictest confidentiality.
- Understand the accommodation process.
- Be proactive and manage the accommodation case and monitor accommodations in a timely, confidential and sensitive manner.
- Treat each accommodation case on an individual case by case basis.
- Communicate with the employee to ensure they are part of the process.
- Act in a professional and respectful manner towards individuals requiring an accommodation.

Human Resources Consultant

- Provide consultation to the People Leader and employee on the accommodation process.
- Provide consultation on the requirements of medical documentation or the accommodation plan.
- Act in a professional and respectful manner towards individuals requiring an accommodation.

Talent Coordinator

- Obtain completed forms as required.
- Send requests for additional medical documentation, when required.
- Act as a liaison between the ERAP provider and the employee.
- Act in a professional and respectful manner towards individuals requiring an accommodation.

Union or Association Representative

- When requested by the employee, support the employee throughout the accommodation process.
- When requested by the employee, participate in the accommodation plan.
- Adopt a problem-solving approach to an accommodation.

- Act in a professional and respectful manner towards individuals requiring an accommodation.

OHS Consultant

- Support the process for obtaining a Job Demands Analysis and review the information.
- Support the accommodation plan as required, and offer additional advice, guidance, or recommendations.
- Act in a professional and respectful manner towards individuals requiring an accommodation.

Employee Recovery Assistance Program

The college provides an Employee Recovery Assistance Program (ERAP) to assist in accommodating permanent and eligible term employees.

- People Services will provide the employee’s name and contact information to the ERAP service provider, Homewood Health.
- An ERAP case manager will contact the employee and will work in the utmost confidence to assist the college and the employee in supporting a reasonable workplace accommodation request. This includes working with the employee’s physician(s) and other health professionals to address factors that may impact their work.

Definitions:

Duty to Accommodate: an employer has a legal duty to take reasonable steps, in policies or conditions of work, to accommodate an employee's individual needs.

Employee: includes a person who is engaged by NorQuest College to perform a service in accordance with existing terms and conditions of employment, employment contracts or collective agreements.

People Leader: means an employee whose job function requires him/her to organize, direct and control the work of others. People Leaders can include team leads, chairs, associate chairs, managers, deans, directors, vice-presidents, or the President and CEO. Another term for People Leader is Supervisor.

Permanent position: means a position designated by the college as continuing to meet the ongoing operational requirements of NorQuest’s core programs. A permanent position may be full time or part time of not less than half time.

Term Position: means a position designated by the college as a project or replacement position or term-certain for other specified reasons, having a set expiry date. A term position shall be at least six (6) months minimum in duration and may be full time or part time and not less than one-half time. The length of the term position shall be determined by the nature and duration of the work that is to be performed.

	<p>Workplace Accommodation Plan: means a plan developed for an employee to facilitate an accommodation request to address a barrier for a period of time (temporary or permanent).</p>
Related NorQuest College Information:	<ul style="list-style-type: none"> • Attendance Management Policy • AUPE Collective Agreement • COVID-19 Vaccination Policy • COVID-19 Vaccination Procedure • Faculty Association Collective Agreement • Out of Scope Employees Terms and Conditions • Prognosis Letter/Attending Physician’s Statement (available from People Services) • Terms and Conditions of Employment for Management Employees
Related External Information:	<ul style="list-style-type: none"> • Alberta Human Rights Act (Duty to Accommodate)
Next Review Date:	September 2025
Revision History:	September 2021: new