NORQUEST COLLEGE

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 Policy
Approval date	April 3, 2025
Effective date	May 1, 2025
Procedure owner	Vice President, People, Culture and Equity
Procedure administrator	Director, People and Talent Operations

Overview

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

NorQuest College (College) provides a workplace that is free from discrimination based on the protected grounds under the Alberta Human Rights Act. The protected grounds include 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. NorQuest employees have the right to be reasonably accommodated under these protected grounds.

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.

Procedure

Duty to Accommodate:

The duty to accommodate is a legal requirement that protects individuals from being discriminated against or denied opportunities during employment. It is based on the protected grounds within the Alberta Human Rights Act, and the guiding principle that promotes the ability of individuals to participate in the workplace fairly and equally through the elimination of the discriminatory effects of workplace standards.

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

Limitations to the Duty to Accommodate:

The duty to accommodate has limits. The College will make every reasonable effort to accommodate, up until the point of undue hardship.

Undue hardship refers to the point at which the College would face significant difficulty or expense in accommodating an individual.

Key aspects of undue hardship include:

- Cost: If accommodating a request would cause significant financial strain on a business, this could be considered undue hardship.
- Impact on Operations: If accommodating an individual would disrupt operations or significantly affect other employees' rights or interests, it may be deemed undue hardship.
- Health and Safety Risks: If the accommodation would pose a risk to the health and safety of others, it may qualify as undue hardship.
- Availability of Alternatives: The existence of reasonable alternatives that do not impose undue hardship can be a factor.

Example of undue hardship for a disability accommodation:

- Scenario: An employee with a disability requests an ergonomic workstation. The employer can provide this without significant cost or disruption.
- Undue Hardship: However, if the employee requests specialized equipment that costs tens of thousands of dollars, and the company is a small business with limited resources, this might be deemed undue hardship.

Below is a non-exhaustive list of some practical examples of the limits to the College's duty to accommodate:

- Create an unnecessary job that does not already exist;
- 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.

An accommodation that is reasonable in one case may not be reasonable in another. Each case will be reviewed and assessed on its own merit, on a case-by-case basis.

Requesting a Temporary or Permanent Accommodation:

Step 1: The need for a workplace accommodation becomes known. Recognizing a potential need for accommodation can be initiated in one of two ways:

- The employee approaches their People Leader or a member of the People and Talent Operations team and requests an accommodation. This request should be documented via email.
- Or, under the Duty to Inquire, the People Leader recognizes a need and consults with their Human Resources Business Partner to explore conditions that may require an accommodation. If the People Leader is unsure of what constitutes this step, they should reach out to the Human Resources Business Partner for consultation.

Step 2: The People Leader presents the accommodation to People and Talent Operations for review, based on the following scenarios:

- All medical workplace accommodations will be reviewed with the Ability Management Specialist, and the employee should be prepared to obtain information from a certified medical practitioner.
- Any other type of accommodation under the protected grounds of the Alberta Human Rights Act should be reviewed with the Human Resources Business Partner.

Step 3: If a workplace accommodation is required, the People Leader, employee and Human Resources Business Partner or Ability Management Specialist will discuss the final details of the plan as a group. The employee can request union representation as well.

Step 4: A Workplace Accommodation Plan may be completed in collaboration with the Human Resources Business Partner or Ability Management Specialist and submitted to the Talent Coordinator for inclusion into the employee file.

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

Step 5: The Workplace Accommodation Plan will be monitored and reassessed as medically required or as business needs change.

- 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 restrictions and abilities, or a change in hours. People and Talent Operations will facilitate the development of a Workplace Accommodation Plan in collaboration with the People Leader, employee, and other stakeholders as required.

Roles and Responsibilities:

Employee

- Communicate an accommodation need to their People Leader or a member of the People and Talent Operations team.

- Cooperate throughout the process by providing relevant information and appropriate documentation in a timely manner to support the accommodation request.
- Understand the College is authorized to receive sufficient information to provide an effective accommodation which normally includes details on functional limitations/restrictions for medically related accommodations.
- Consider all accommodation proposals brought forth by the People Leader and assist in identifying options or other solutions.
- Allow for a reasonable time for review of the accommodation request.
- Participate in an active communication plan with the Ability Management Specialist when medically related, to assist the facilitation of an appropriate plan.
- Participate in an active communication plan with the Human Resources Business Partner for all other accommodations, to help facilitate an appropriate plan.
- Communicate with the People Leader if an accommodation needs to be changed or if the agreed-upon solution has not worked as intended.

People Leader

- Foster an inclusive work environment, understanding the needs of each employee are different.
- Support the employee in accessing and being included in the workplace.
- Endeavour to conduct a meeting with the employee requesting an accommodation as soon as possible and review any documentation received with the Human Resources Business Partner or Ability Management Specialist, while maintaining the strictest privacy and confidentiality.
- Understand the accommodation process and the Duty to Inquire. If training is required, contact the Human Resources Business Partner for advice.
- Take a proactive approach to an employee's well-being.
- Treat each accommodation request on an individual, case-by-case basis.

- Remind eligible employees of the Employee Assistance Program as a health and wellness support tool.

Human Resources Business Partner

- Provide consultation to the People Leader and employee on the accommodation process.
- Provide consultation on the requirements of related documentation or the accommodation plan.
- Request and participate in an accommodation meeting when necessary.

Ability Management Specialist

- Contact the employee and work in the utmost confidence to assist them in supporting a reasonable workplace accommodation request.
- Provide consultation on the requirements of medical documentation.
- Work with the People Leader to complete a Workplace Accommodation Plan when required. Temporary and permanent accommodations may be agreed upon by all applicable parties and formally acknowledged with signatures on the agreement.
- Request and participate in a medical accommodation meeting when necessary.

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 resolution-oriented approach to an accommodation.

Occupational Health and Safety Consultant

- Support the accommodation process by obtaining a current and relevant Physical Demands Analysis.
- Support the accommodation plan as required, and offer additional advice, guidance, or recommendations.

Definitions

Duty to Accommodate: is the legal duty to change rules, standards, policies, workplace culture, and physical environments to eliminate or reduce the negative impact that someone faces because of a protected ground.

Duty to Inquire: employers have a duty to inquire when they are aware or should reasonably be aware that their employees have a disability impacting their work.

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 them 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 or Manager.

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.

Undue Hardship: Following the Alberta Human Rights Act, undue hardship occurs if accommodation would create onerous conditions for an employer such as intolerable financial costs or serious disruption to business.

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).

Related information

NorQuest College

- Absences Due to Injury or Illness Procedure
- Access and Privacy Policy
- Attendance Management Policy
- AUPE Collective Agreement
- Faculty Association Collective Agreement
- Out of Scope Employees Terms and Conditions
- Terms and Conditions of Employment for Management Employees

External

- Alberta Human Rights Commission (Duty to Accommodate)

Next review date

April 2029

Revision history

Date	Version Number	Action
September 2021	V1	New
February 2023	V2	Revised to include new definitions.
April 2025	V3	Added in new internal Ability Management program role and defined difference of medical and all other protected grounds accommodations.
May 2026	V4	Updated FOIP references to ATIA and/or POPA