

Duty to Accommodate

		Adopted: June 28, 2011 Amended: March 9, 2016
	External References: <ul style="list-style-type: none"> • Canadian Human Rights Commission • Saskatchewan Human Rights Commission • Saskatchewan Teachers' Provincial Collective Bargaining Agreement 	Internal References: <ul style="list-style-type: none"> • AP 315 Illness/Injuries at School • AP 433 Workers' Compensation • AP 530 Insurance Management • Form 315-1 Marsh Canada School Incident Report • Form 431-1 Employee (Non Teaching) Medical Verification Absence from Work • Form 432-1 Violent Incident Report

Background

Duty to Accommodate refers to the employer's obligation to take measures to eliminate disadvantages to an employee that has or may have an adverse impact on individuals or groups protected under the *Canadian Human Rights Act* or identified as a designated group under the *Employment Equity Act*. The duty to accommodate in the workplace includes the requirement to take reasonable measures short of undue hardship to accommodate the particular needs and disabilities of employees.

The goal is to provide safe, productive, and meaningful work that continues to meet the needs of the Division and respects the medical or other requirements of the employee. The specific accommodation will be determined based upon the unique circumstances and does not involve the creation of new positions to create work when accommodations are not possible. Employees are expected to participate and cooperate fully in the accommodation and return to work plans.

Procedures

1. Illness or Injury

- 1.1 When an employee is ill or injured away from work, the employee is required to notify the supervisor/principal that he/she will be absent.
- 1.2 When an employee is injured at work, the employee is required to immediately report the incident to their immediate supervisor. Unless the employee's injury is such that it requires immediate medical attention, an employee should not leave the workplace without reporting the injury. For workplace injuries and reporting refer to Administrative Procedures 433 Workers' Compensation.
- 1.3 Early contact with the employee is essential in starting the process of returning the employee back to work. In many cases the employee simply returns to work and little or no intervention is required, however, when accommodation is required, an abilities assessment should be completed by the employee's physician and forwarded to Human Resources.
- 1.4 Teachers are required to submit Form 7-1 Verification of Sickness – Practitioner's Report (Appendix D Saskatchewan Teachers' Provincial Collective Bargaining Agreement), completed by a duly qualified medical practitioner for any planned absence due to illness or injury of greater than 1 week (example, surgery and recovery), or for any absence when requested by the immediate supervisor and/or Human Resources.
- 1.5 Support Staff are required to submit Form 431-1 Employee (Non-Teaching) Medical Verification Absence from Work, completed by a duly qualified medical practitioner, for any planned absence due to illness or injury of greater than 1 week (example, surgery and recovery), or as requested by the immediate supervisor and/or Human Resources.

- 1.6 If further information is required, the employee will be required to provide restrictions and limitations and/or abilities assessment as completed by a duly qualified medical practitioner.
- 1.7 Upon receipt of the restrictions and limitations, a meeting should take place between the supervisor/principal, and Human Resources, to determine a Return to Work Plan for the employee or to determine the accommodations that may be required to assist in a successful return to work.
- 1.8 A comparison will be completed reviewing the restrictions and limitations against the employee's job duties.
- 1.9 If the employee is unable to return to work in any capacity for the immediate future, the supervisor/principal and/or Human Resources will set a follow-up date for review.
- 1.10 The employee's supervisor/principal will follow up with the employee during their modified work program.
- 1.11 Any issues of deterioration in the employee's condition during their program should be documented by the supervisor/principal. Any issue should then be immediately addressed with the employee by their supervisor/principal and where necessary, involving Human Resources.
- 1.12 Once the plan is completed and the employee is fully returned to work, follow-up should continue for at least two weeks.
- 1.13 All documentation surrounding the employee's illness/injury should be forwarded to the Human Resources Department.
- 1.14 Employees are obligated to cooperate with the school division in all efforts to accommodate the employee's return to work.

2. Non-medical Accommodation

- 2.1 If an employee makes a request for an accommodation that is not medical in nature (and falls under one of the protected grounds), the employee will put the request in writing and submit it to his/her supervisor/principal.
- 2.2 The supervisor/principal would then contact the Human Resources Supervisor or designate to discuss the potential accommodation including the following:
 - 2.2.1 Determine what barriers might affect the person requesting accommodation.
 - 2.2.2 Explore options for removing those barriers.
 - 2.2.3 Determine an appropriate accommodation, if applicable.
- 2.3 If the Division finds that removing the barrier or changing the workplace rule creates an undue hardship on the organization, then that rule or practice is a Bona Fide Occupational Requirement (BFOR), in which case the employer does not have to accommodate.