

# Employee Accommodation Procedure

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

<b>Functional category</b>	Human Resources
<b>Parent policy</b>	Attendance Management Policy
<b>Approval date</b>	February 7, 2023
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<b>Procedure owner</b>	Vice President, People and Culture
<b>Procedure administrator</b>	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 College (college) provides a workplace that is free from discrimination based on the protected grounds under the Alberta Human Rights Act. These 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.

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 protects individuals from being denied opportunities or being discriminated against in employment based on any of the protected grounds and NorQuest employees have the right to be reasonably accommodated under these protected grounds.

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.

### **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 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. Every case will be handled and assessed in an individual manner and in consultation with appropriate parties.

### **Requesting 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 People and Talent, 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.

Step 2: The People Leader discusses with Employee and Reviews information with People and Talent.

- An Employee who requires a medical workplace accommodation will participate in NorQuest's Employee Recovery and Assistance Program, and should be prepared to obtain information from a certified medical practitioner.

Step 3: If a workplace accommodation is required, a Workplace Accommodation Plan should be completed in collaboration with the Human Resources Business Partner and submitted to People Services for inclusion into the employee file.

- 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.

Step 4: The Workplace 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 restrictions and abilities, or a change in hours. People and Talent 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

- Make their accommodation needs known.
- Cooperate with the process by providing relevant information and appropriate documentation 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 disability-related accommodations.

- Consider all accommodation proposals brought forth by their People Leader, and assist in identifying options
- Allow for a reasonable time for a review of the accommodation request.
- Participate in the college's Employee Recovery Assistance Program (ERAP) when medical related, 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.

#### 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, while maintaining the strictest confidentiality.
- Understand the accommodation process.
- Take a proactive approach to an employee's well being
- 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 Business Partner

- 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 or complete forms as required as it relates to a request for a workplace accommodation.
- 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.

#### Occupational Health and Safety 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.
- 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**

**Disability (mental):** following the Alberta Human Rights Act, mental disability is any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

**Disability (physical):** following the Alberta Human Rights Act, physical disability is any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, service dog, or wheelchair or other remedial appliance or device.

**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.

**Duty to Inquire:** The duty to inquire exists only when a People Leaders knows or perceives — or the facts are such that they ought to have known or perceived — that an employee has a mental health disability that is the cause of a workplace issue they are seeking to address.

**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 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

- [Attendance Management Policy](#)
- [Absences Due to Injury or Illness Procedure](#)
- [AUPE Collective Agreement](#)
- [Faculty Association Collective Agreement](#)
- [Freedom of Information and Protection of Privacy \(FOIP\) Act Policy](#)
- [Out of Scope Employees Terms and Conditions](#)
- [Terms and Conditions of Employment for Management Employees](#)

### External

- [Alberta Human Rights Act \(Duty to Accommodate\)](#)

## Next review date

September 2025

## Revision history

Date	Version Number	Action
September 2021	V1	New
February 2023	V2	Revised to include new definitions.