
Date

The following was approved by the Chief Administrative Officer (CAO) as an Administrative Policy on February 27, 2017

Purpose

The District of Lake Country (“District”) is committed to creating a work environment which is inclusive and treats all employees in a fair and equitable manner recognizing our unique and diverse workforce.

This policy outlines the District’s responsibility with respect to accommodating the needs of employees or external applicants in order to fully participate in the workplace or obtain employment with the District.

Policy

1. DEFINITIONS

“**Accommodation**” means any temporary or permanent modification in job duties, employment rules, practices or condition of employment required by human rights legislation.

“**Undue Hardship**” occurs if the accommodation creates onerous conditions for the employer, union, or other workers. Factors that are used by the courts to assess the threshold of undue hardship include financial costs, health and safety risks and size and flexibility of the workplace. While ‘hardship’ on its own infers a degree of effort is required, the threshold as to undue hardship is actually quite high. More than mere inconvenience or disruption is expected in all situations.

“**Human Resources**” means the person(s) appointed to the position(s) of Manager of Human Resources and Health Sustainability and/or the Human Resources and Safety Advisor, or a designate.

2. SCOPE

- 2.1. This policy covers all District employees who require an accommodation relating to their current position or another internal position for which they are applying as well as external applicants applying for employment with the District.

3. PRINCIPLES

- 3.1. The fundamental principles underlying this policy include:
- (a) Shared accountability and responsibility for workplace accommodations, including collaboration between the individual requiring accommodation, supervisors, senior management and where applicable, the Union.
 - (b) Respect and dignity of the individual.

- (c) Development and implementation of the accommodation plan that will only include relevant stakeholders, in order to respect the individual's confidentiality.
- (d) Personal information concerning an employee can only be released in accordance with applicable privacy legislation.
- (e) In order to facilitate an accommodation, employees will not unreasonably withhold information. Where the accommodation process requires the release of confidential information to a third party (such as an external resource group), the third party, and any person or department delegated by that third party, will be required to ensure that confidentiality is protected, that the information obtained is kept in a secure location, and used solely for the purpose for which the release was required.
- (f) Human Resources will consult with appropriate specialists and subject matter experts when clarification or validation of the accommodation request is required.

4. GUIDELINES

4.1. The following guidelines have been developed to support the interpretation and application of this policy:

- (a) Requests for non-medical accommodation will be submitted in writing to Human Resources containing appropriate details and justification of the request. Requests for medical accommodation will be made by completing a Fit for Duty form.
- (b) Where an accommodation may impact the collective agreement, the Union Committee member will be advised and involved in the investigation into possible accommodations.
- (c) Accommodations within the employee's own position will be explored first.
- (d) If the employee is unable to perform the essential duties of their position or perform their duties in a safe manner, a reassignment outside of the employee's classification may be considered. If no suitable position outside of their classification exists, the District will consider other viable employment options. In determining a suitable accommodation within the employee's position or a placement in a different position, the following will be considered; employee's skills, knowledge, limitations and restrictions, suitability, health and safety risk to the employee, coworkers and others, financial cost, impact on workplace productivity and morale, interference with the collective agreement provisions and the rights and interests of other employees and their ability to maintain an acceptable performance level.
- (e) Any technical aids, adaptive equipment, furniture or other property purchased for an accommodation remain the property of the District.
- (f) Application of this policy does not guarantee continued employment if a suitable accommodation cannot be made without undue hardship.

5. ROLES AND RESPONSIBILITIES

5.1. Employee:

- (a) Advise Human Resources and their supervisor when a temporary or permanent employment accommodation is required.
- (b) Provide necessary information to establish the need for an accommodation, the nature and extent of the accommodation required and the appropriateness of the proposed accommodation.
- (c) For non-medical accommodations a written request containing appropriate details and justification of the request must be submitted to Human Resources.

- (d) For an accommodation request related to a health condition, a Fit for Duty form must be completed indicating the limitations and restrictions, nature of condition, prognosis, and confirmation of compliance with a treatment plan.
- (e) Cooperate and participate in the program.
- (f) Regular communication with the employee's supervisor and/or Human Resources regarding progress or challenges within the accommodation, including apprising of any changes in the need for accommodation.
- (g) Accept reasonable accommodations.

5.2. Human Resources:

- (a) Commence investigation and accommodation process when information comes to attention that may give rise to the possible need for accommodation and coordinate the accommodation process.
- (b) Request relevant and necessary information to fully consider the need for accommodation or possible accommodations.
- (c) Consider information received and consult internally to determine what possible accommodations may be available, including working with department managers to identify suitable positions or adjustments within the employee's classification.
- (d) Liaise with third party providers and other outside agencies.
- (e) Propose possible reasonable accommodations to the employee, and where applicable, the Union.
- (f) Keep issues and information arising from the accommodation process strictly confidential, sharing information only on a "need to know" basis.
- (g) Provide advice, support, guidelines and resources related to policy interpretation and procedures for employment accommodation to employees, managers and the Union.

5.3. Managers / Supervisors:

- (a) Manage the accommodation process by encouraging co-operation within the department.
- (b) Monitor and evaluate the accommodation and communicate with the employee regularly.
- (c) Address any problems or concerns related to the accommodation as soon as possible, in collaboration with the employee, Human Resources and where applicable the Union.
- (d) Keep issues and information arising from the accommodation process strictly confidential, sharing information only on a "need to know" basis.

5.4. Unions:

- (a) Participate and cooperate in the accommodation process.
- (b) Encourage members to identify and communicate their need for an accommodation, and to cooperate and participate in the process.

Original signed by Alberto De Feo

Alberto De Feo
Chief Administrative Officer

March 2, 2017

Date