

Procedure Information	
Related to Policy No:	AD-HR-1.25
Approved by:	Executive Committee
Approval Date:	September 2, 2021
Executive Responsible:	Executive Director, HR
Administrator Responsible:	HR Advisor, Benefits & Abilities Management
Date of Next Review:	September 2026

WORKPLACE ACCOMODATION PROCEDURES

Definitions:

Applicant

An employee or prospective employee who submits an application for an accommodation.

Department Administrator

The administrator to whom an employee directly reports, or their designate.

Human Resources (HR) Administrator

The HR Advisor, Benefits and Abilities Management or their representative.

Qualified Medical Professional

An individual currently licensed to provide specialized health care services in the area of medicine for which they have undertaken under law to provide to the public.

Roles and responsibilities:

College of New Caledonia (CNC): Complies with the B.C. Human Rights Code and all other relevant legislation including the Freedom of Information and Protection of Privacy Act.

Applicant: Provides documentation to support the need for an accommodation. Cooperates in the search and implementation of reasonable accommodations, and complies with the B.C. Human Rights Code and all other relevant legislation. Where applicable, participates in treatment as prescribed by a qualified medical professional. Cooperates and remains available for ongoing discussions and the development of an accommodation plan with all stakeholders. Brings forward any accommodation issues and or adjustments as the need arises.

Department Administrator: Supports the identification and implementation of reasonable, meaningful and productive job adaptations or accommodations that facilitate the workplace accommodation process. Ensures an applicant follows safe work practices.

Union Representative: Advocates on behalf of members requesting an accommodation, cooperates in searching for and implementing reasonable accommodations, and complies with the B.C. Human Rights Code and all other relevant legislation.

Human Resources (HR) Administrator: Acts as a resource to all parties involved in the accommodation process. Coordinates with all stakeholders involved in the planning,

implementation, and monitoring of an accommodation request. Encourages reasonable accommodation and monitors progress. Responsible for ensuring privacy and security of information shared.

Procedures

1. Accommodation Requests

- 1.1. An Applicant must provide the appropriate documentation that supports the need for an accommodation. In some circumstances, a Department Administrator may initiate an accommodation discussion with an employee.
- 1.2. The HR Administrator will consult with the Applicant, Department Administrator, and any applicable Union Representative in identifying a reasonable accommodation.
- 1.3. Medical Accommodation Application:
 - 1.3.1. An employee or prospective employee (the "Applicant") who wishes to be considered for a disability/medical accommodation must submit a Workplace Accommodation Application Form (the "Form") completed and signed by a qualified medical professional.
 - 1.3.2. A diagnosis alone is insufficient to support an application for a workplace accommodation. An application must provide without limitations; information regarding the general nature of the disability, the prognosis, the impact of the disability on the Applicant's ability to perform the essential functions of their job or otherwise meet CNC's requirements, the severity and projected duration of any restrictions or limitations, the Applicant's compliance with the recommended course of treatment, and the identification of any prescribed medications that may affect the Applicant's ability to work safely, etc.
 - 1.3.3. An application must outline the specific job accommodations requested by the Applicant.
 - 1.3.4. Where not clearly provided on the Form, additional medical documentation may be required. Any costs associated with the additional documentation will be the responsibility of the Applicant.
 - 1.3.5. Medical information should be limited to facts relevant to identifying and implementing a reasonable accommodation. Medical information will be treated as strictly confidential, only shared with consent and on a need-to-know basis.
 - 1.3.6. CNC reserves the right to request an independent medical evaluation of an accommodation request. Where this is the case, CNC will bear the cost of the evaluation.

1.4. Non-Medical Accommodation Application:

- 1.4.1. Non-medical accommodations will be considered where employment-related barriers are created by a non-disability characteristic protected by the B.C. Human Rights Code.
- 1.4.2. An Applicant who wishes to be considered for a non-medical accommodation will be required to provide written documentation and information to CNC, through the Department Administrator and copied to Human Resources (HR), to support the need for the accommodation.
- 1.4.3. The information required by CNC will depend on each Applicant's circumstances.

2. Applying Accommodations

- 2.1. When the Applicant is unable to perform essential job duties and requires accommodation because of a documented disability or an employment-related barrier protected by the B.C. Human Rights Code, CNC will make every reasonable effort, to the point of undue hardship, to accommodate the Applicant in their current position.
- 2.2. If it is not possible to accommodate the Applicant in their current position, every reasonable effort, to the point of undue hardship, will be made to place the applicant in a suitable vacant position for which the Applicant is qualified.
- 2.3. If the Applicant's abilities, needs, or the conditions of their position change, the Applicant or their Department Administrator must notify the HR Administrator as soon as possible. The HR Administrator will then obtain necessary information/documentation to determine whether or not the existing accommodation should be modified, discontinued, or replaced.
- 2.4. An Applicant who requests an accommodation must be able to perform the essential requirements of the job they occupy, desire to be hired into, or is transferred into. If the accommodation involves a transfer to a different classification, the Applicant will be paid the wage rate for that classification.
- 2.5. When an accommodation requires equipment or an adaptive aid, the HR Administrator will coordinate the purchase with the Applicant, Department Administrator, and any other relevant department(s). The cost of any purchase charged to CNC will be paid by the Applicant's department.
- 2.6. An item prescribed for an Applicant's specific medical needs and use (e.g. hearing aids, orthopedic shoes) will be the property of the Applicant; therefore, the Applicant will bear the cost of these items and may submit receipts for reimbursement under their Extended Health Plan. Any other equipment purchased is the property of CNC. If the equipment is no longer required by the Applicant, the Department Administrator must immediately notify the HR Administrator.

3. Denying Accommodation Requests

- 3.1. Requests for accommodation will be denied by CNC where one or more of the following is present:
 - 3.1.1. the request is not linked to a characteristic protected by the B.C. Human Rights Code;
 - 3.1.2. there is insufficient evidence to support the request;
 - 3.1.3. the Applicant has failed to cooperate in the accommodation process, or has refused a reasonable accommodation proposed by CNC; or
 - 3.1.4. the requested accommodation would cause CNC undue hardship.

- 3.2. The existence of undue hardship will depend on the individual Applicant's circumstances. Relevant factors to consider may include but are not limited to:
 - 3.2.1. whether there is a risk to the safety of others or a substantial risk of personal injury to the Applicant;
 - 3.2.2. the financial impact of the accommodation;
 - 3.2.3. whether accommodation alternatives would result in lowering performance standards or substantive job requirements being unmet;
 - 3.2.4. whether the accommodation would be unduly disruptive to a collective agreement or other terms and conditions of employment, or have a significant adverse impact on the rights or morale of other employees.

4. Notification of Decision

- 4.1. The HR Administrator will communicate the decision on an accommodation request.
- 4.2. If determined that a duty to accommodate does not exist or that the accommodation would create undue hardship, the Applicant, Department Administrator, and any applicable Union Representatives will be advised in writing and provided with reasons for the determination.
- 4.3. If determined that a duty to accommodate exists, the Applicant, Department Administrator, and any applicable Union Representatives will be advised and an accommodation plan developed and implemented accordingly.

5. Follow Up and Review

- 5.1. Excluding permanent and/or partial disability cases and depending on the nature of the accommodation, an approved accommodation plan will be subject to a review between three (3) to twelve (12) months from its approval date. The review date will usually be communicated on the approved accommodation plan.
- 5.2. During a review, employees may be required to provide documentation needed to continue the support of the accommodation request.

- 5.3. Human Resources will communicate any changes or updates of an accommodation to the Applicant, Department Administrator, and any applicable Union Representative.
- 5.4. CNC, through the Human Resources Department, will annually assess and evaluate the effectiveness and implementation of this procedure and the related Policy.

6. Reconsideration

- 6.1 An Applicant who wishes to challenge an accommodation decision may seek reconsideration by providing additional relevant information in writing to the Executive HR Director or their designate.

Links to Other Related Policies, Documents and Websites

[AD-HR-1.25 Workplace Accommodation Policy](#)

[AD-HR-1.01 Sick Leave Policy and Procedures](#)

Form

[Workplace Accommodation Application Form](#)

Procedure Amendment Log

Amendment Number:	Date:
0	August 25, 2021
1	September 2, 2021
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