



## Disability Accommodation Policy

Policy owner: General Manager  
Audience: All URSU Employees & Clients  
Approved: Board of Directors (Board Meeting August 13, 2019)  
Last Reviewed: August 1, 2019  
Review Schedule: July 2020

### 1. Introduction

This policy deals with accommodation of persons with disabilities. URSU is committed to explore and provide reasonable accommodation and return to work options for all of its employees. URSU has the primary responsibility for ensuring that appropriate and reasonable accommodation is provided, as URSU has control of the workplace and can allocate resources and implement options for disabled employees.

URSU has a legal obligation to ensure that ongoing accommodation efforts meet the requirements of the *Saskatchewan Human Rights Code (SHRC)*, the *Saskatchewan Employment Act (SEA)*, the *Occupational Health and Safety Act (OHS)*, the *Freedom of Information and Privacy Act*, the *Health Information Privacy Act* and the *Worker's Compensation Act*. The Canadian Charter of Rights and Freedoms (the Charter) also protects people with disabilities from discrimination and promotes equality rights. SHRC protects the rights of individuals to fully participate in employment activities without discrimination. Accommodation may be required to ensure these rights. URSU must make a legitimate attempt to reasonably accommodate the employees protected by these laws, unless doing so creates undue hardship for the business.

The goal of successful accommodation and/or return to work calls for a cooperative working relationship between the parties involved (URSU, the employee(s), the union, and other stakeholders such as the insurer representative and the health care provider). Accessibility should not just be a matter of whether or not it is possible for persons with disabilities to perform tasks, but also whether it is possible to perform tasks in a dignified and easy way. Persons with disabilities may face barriers to completing these tasks on a daily basis. The barriers can be physical, attitudinal or systemic. It is most effective to identify and remove barriers voluntarily and proactively in addition to responding to individual accommodation requests or complaints.

## 2. Definitions

**Accessible Formats:** These include, but are not limited to, accessible electronic formats, Braille, text transcripts, large print, recorded audio, and other formats accessible to persons with disabilities.

**Assistive Device:** A technical aid, communication device or other instrument that is used to maintain or improve the functional abilities of people with disabilities. Personal assistive devices are typically devices that members and guests bring with them such as a wheelchair, walker or a personal oxygen tank, or any item that might assist in hearing, seeing, communicating, moving, breathing, remembering and/or reading.

**Barrier:** Anything that prevents a person with a disability from fully participating in all aspects of society because of his/her disability. This includes:

- a physical barrier;
- an architectural barrier;
- an informational or communications barrier;
- an attitudinal barrier;
- a policy, practice or procedure barrier.

**Communication Supports:** These include, but are not limited to, sign language, plain language and other communication supports that facilitate effective communications.

**Duty to Accommodate:** Sometimes people need to be treated differently to prevent or reduce discrimination. As an employer, URSU has an obligation to take steps to eliminate different and negative treatment of individuals, or groups of individuals based on prohibited grounds of discrimination. Courts have set a high threshold for satisfying the duty to accommodate; some hardship is implied. The employer's obligation will be met if the disabled employee has been accommodated and remains unable to return to work in the foreseeable future or the accommodation threatens the proper operation of the business.

**Persons with Disabilities** - Persons with disabilities are persons who have a disability within the meaning of section 2(1)(d.1) of *The Saskatchewan Human Rights Code*. In addition, for the purposes of employment equity plans, persons with disabilities:

- a. have persistent physical, intellectual, mental, psychiatric, sensory or learning conditions that
  - i. require a technical device and/or personal support or service which enables such persons to perform the essential functions of a job; and/or
  - ii. require some form of accommodation such as extra rest breaks, or time off/leave to obtain treatment as necessary, or modifications to job responsibility, job site, or work hours;
- b. consider themselves, and believe an employer or a potential employer would consider them disadvantaged in finding, retaining or advancing in employment because of that condition.

The definition includes disabilities of different severity, visible as well as non-visible disabilities, and disabilities in which the effects may come and go. This is a broad definition, and one that must be considered closely when educating our employees in the appropriate response to our customers.

**Reasonable Accommodation:** Accommodations are “reasonable” so long as they don’t impose undue hardships on the employer. Recent Supreme Court of Canada decisions have placed the burden on employers to demonstrate how providing accommodations will cause undue hardship, usually by compromising safety or jeopardizing the organization’s solvency.

**Support Person:** A support person is, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care, medical needs or access to goods and services.

**Service Animal** - A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

**Therapy (or Emotional Support) Animal** - A therapy animal is an animal that might be trained to provide affection and comfort to people in hospitals, retirement homes, nursing homes, schools, hospices, disaster areas. They may also help those suffering from psychological issues or mental concerns. Therapy animals are usually not assistance or service animals, but can be one or both with some organizations.

**Reasonableness test** - Has the Employer done everything in its power to accommodate the employee in question? Will continuing to accommodate the employee in this manner lead to financial or daily operating hardship for the business? A reasonableness test is essentially asking if the proposed decision is reasonable given the circumstances, facts, and history of the employee.

**Undue Hardship** - The duty to accommodate extends to the point of ‘undue hardship’. Undue hardship is generally defined as an unbearable financial cost or a considerable disruption to business, or an interference with the rights of others. The size of the employer’s operation or labour pool may be taken into account, as well as safety considerations and the nature of the employment contract. Employers may apply a reasonableness test in circumstances where an employee has experienced considerable absenteeism with no likelihood of returning to work.

**URSU** - The University of Regina Students’ Union. For all intents and purposes of this document, URSU is considered the employer.

## 3. Policy

URSU employees and representatives are encouraged to be proactive in seeking solutions and removing barriers, as well as alerting all clients and employees to the range of accommodations that are available. The term "persons with disabilities" will be the norm, and if a specific condition must be referenced, the condition will be referenced last (eg. person with low vision). The following are some general tips that may help make communication and interaction with or about people with all types of disabilities more successful:

- Remember to put people first. It is proper to say person with a disability, rather than disabled person or the disabled.
- It is best to wait until an individual describes his or her situation to you, rather than to make your own assumptions. Many types of disabilities have similar characteristics and assumptions may be wrong.

### 3.1 Accommodation

URSU is committed to an inclusive workplace supporting a diverse and representative workforce. We will respond to the needs of persons with disabilities by removing discriminatory barriers to equal participation and enjoyment in employment, up to the point of undue hardship in accordance with the *Saskatchewan Human Rights Code*.

Accommodation may entail changes in physical settings, policies and practices, and includes workplace accommodations and/or return to work plans that enable employees to perform to the full extent of their abilities. Accommodation may be required to assist an employee to stay at work. The employees in question may be experiencing limitations while managing symptoms of an illness or injury. URSU is committed to assisting employees in returning to work after suffering from an illness or injury. Employees may return to work as soon as they are able to perform meaningful, productive work, safely within medical restrictions. Requests for accommodation must be supported by medical documentation, which clearly states the need for an accommodation and any medical restrictions.

Accommodation efforts should be:

- Cooperative and involve the employee, managers, the union and co-workers;
- Respectful of the employee's dignity and self esteem;
- Timely and responsive;
- Confidential to the greatest extent possible;
- Flexible to meet both employee needs and operational requirements; and
- Individualized to the specific needs of the employee and job requirements.

Accommodation could include the following:

- For persons with communication disabilities, accommodation can include the use of sign language interpretation, telewriter (TTY), braille, audio tapes, computer diskettes, or other methods of communicating.
- For persons with intellectual disabilities, accommodation can include job coaching or individualized on-the-job training.
- Temporarily rearranging work duties for a pregnant woman.

### 3.1.1 Assistive Devices

URSU allows the use of assistive devices for persons with disabilities. These devices may include (but are not limited to):

- Manual and motorized wheelchairs, scooters, canes, crutches and walkers;
- Assistive technology such as screen readers, head mouse, screen magnifiers and voice recognition;
- Hearing aids and other personal assistive devices.

### 3.1.2 Service & Therapy Animals

URSU allows persons with disabilities who are accompanied by a service animal and/or therapy animal to enter its premises, except where prohibited by law for health and safety reasons.

## 3.2 Employment Equity

The long-term goal of employment equity plans is to achieve representation of persons with disabilities that matches the representation of persons with moderate to severe disabilities in the working age population. In order to reach this goal within a reasonable time period, employers who have not yet achieved the long-term goal percentage are asked to set interim hiring goals that are higher than the disability representation percentage for persons with moderate to severe disabilities. The hiring, promotion or transferring of persons with disabilities into occupations will be based on the availability of qualified or qualifiable candidates.

In other words, URSU should strive to have a workforce with a percentage of people with disabilities that reflects the percentage of people of working age with disabilities in Saskatchewan. If 9% of the working age population in Saskatchewan identifies as persons with disabilities, URSU should strive, whenever possible, to have a workforce with more than 9% of their employees identifying as persons with disabilities.

## 3.3 Employee Training

URSU will ensure that all applicable and relevant employees have been trained on necessary requirements in the *Saskatchewan Human Rights Code*, the

CUPE/URSU Collective Agreement, and other relevant legislation and documentation as it pertains to working with people who have disabilities.

### **3.4 Performance Management, Talent Development and Promotions**

URSU will make an effort to consider individual accommodation plans throughout the career of its employees. This includes matters pertaining to performance management, skill development, and promotions. An individual employee's disability will be fairly considered when discussing performance management and promotion matters.

### **3.5 Recruitment, Assessment and Selection Process**

URSU is required to provide reasonable accommodation upon identification of any need(s) during the assessment process (interviews, skill testing exercises, etc.) and explore all reasonable accommodation options for employment to the point of undue hardship, where supporting medical documentation is provided.

## **4. Roles & Responsibilities**

### **4.1 Privacy**

The privacy of all disabled employees will be respected. The personal information collected for the administration of this policy will only be used by or disclosed to individuals who need the information to perform the duties of their position. The amount of information shall be limited to that which is reasonably required to achieve the purpose. Individuals who have been given access to the information are responsible for treating the information as confidential. Employees with access shall not further disclose the information to any other party unless necessary for the specific task they have been given. They will also use the information only for the purposes of providing a service or making a decision. Employees with access to personal data have an obligation to safeguard the information from further access, intentional or unintentional.

### **4.2 Roles**

#### **4.2.1 Overseeing Manager:**

The manager or supervisor overseeing the employee with a disability will be the first contact for that employee should any need arise. A large portion of the task of accommodation should be lead by this manager. Tasks that the overseeing manager should be responsible for include:

- Maintaining close contact with the employee while searching for appropriate work assignments/accommodations;

- Identifying options for accommodation;
- Developing and implementing a reasonable accommodation plan;
- Anticipating the employee's return to work readying the workplace, exploring, arranging and paying for costs associated with the required accommodation that may not be covered by the insurer;
- Communicating the intent of the accommodation to other employees in a sensitive, respectful and confidential manner;
- Identifying the option of union representation, if appropriate, to the employee.
- Fostering open and constructive communication.
- Demonstrating sensitivity to and respecting confidentiality of information.
- Raising awareness to facilitate understanding of the policy.
- Participating and co-operating to facilitate workplace accommodation.

### **4.2.2 Employee:**

Employees have an obligation to inform an employer of their need for accommodation, where possible and practical, and to assist in securing an appropriate accommodation. The employee should not turn down any reasonable proposal for accommodation that is offered. Accommodation may be a continuum of measures and not a perfect or final solution. Employees are obligated to provide necessary detailed medical or other information that justifies the request for accommodation. This could include undertaking a functional assessment. Employees must co-operate with rehabilitation efforts and should work within medical restrictions. The employee must accept the rate of pay for the type of work performed. Benefits may also be adjusted to reflect time worked. The following tasks are also required of the employee:

- Provide medical verification to the employer outlining the need for an accommodation, including clear documentation of medical restrictions;
- Where an alternate position is required, provide an updated and comprehensive resume and bring forward information about appropriate placement options they may be aware of and wish to explore;
- Participate and cooperate with the employer and other stakeholders in any efforts to determine an appropriate and reasonable accommodation without expecting a "perfect" solution; and,
- Determine whether to involve union representation, if appropriate.

### **4.2.3 Human Resources Administrator:**

URSU should have a designated employee, manager, or representative who agrees to take on the following tasks. This person will act as a liaison for both parties, ensuring that URSU makes a genuine attempt to accommodate employees with disabilities to the fullest extent possible. Tasks of the Human Resources Administrator include:

- Providing advice and guidance to the overseeing supervisor or manager regarding medical accommodation and the return to work process;
- Assisting in exploring appropriate accommodations within the work unit;
- Assessing the employee's competencies, transferable skills and restrictions considering the obligations of medical accommodation;
- Participating and cooperating with all parties;
- Acting as a resource for all parties and participants; and,
- Supporting and educating managers in their obligations.

#### **4.2.4 Insurance Plan Representative (Long-Term Disability, Workers Compensation Board, Saskatchewan Government Insurance):**

This party may or may not be involved in the accommodation process. If an Insurance Plan Representative is going to be involved, the employee and the manager need to be notified. The tasks of the Insurance Plan Rep are as follows:

- May make the initial referral to the employer to advise of readiness to return to work and provide information clearly outlining the medical restriction(s);
- May assist in the clarification of the restriction information by consulting with the health care provider to clarify the restrictions; and,
- Works with the employee and employer to develop and monitor a return to work plan, based on medical opinion and fully approved by a Healthcare provider, ensuring a safe and successful return to work.

#### **4.2.5 Union Representative**

A CUPE Union Representative represents a unionized employee's interests during the rehabilitation placement process, as needed. They are involved at the employee's request.

Efforts to assist the worker and to achieve accommodation should be documented by the union representative. Unions must assist in the accommodation process wherever possible. This means applying due diligence to requests for accommodation and assisting the worker where necessary.

Any collective agreements between CUPE and URSU should be screened for potential human rights code violations. The union may be party to a complaint by virtue of the wording of the agreement. The duty to accommodate may go against seniority in some cases if the seniority system itself results in discrimination. Cross-unit transfers with seniority may be a form of reasonable accommodation.

## 4.2.6 Co-workers/Colleagues

A supportive workplace is important for an accommodation to succeed. Co-workers may be required to make adjustments to their work as part of an accommodation. While considering the privacy needs of the employee who is being accommodated, co-workers may need information on the duty to accommodate in general; ie. accommodation is not “special treatment”, rather it allows persons with special needs to fully participate in the workplace. The employee concerned should direct what information they feel comfortable in sharing with their colleagues.

## 4.2.7 URSU (Employer)

Employers must satisfy themselves that an employee is physically or mentally capable of performing their job safely. This could include asking for necessary medical information or a functional assessment. The employer is only entitled to know the obstacles to employment and not a specific diagnosis. Medical information should be kept on a separate file. URSU is accountable to and responsible for:

- The governance of the policy.
- Corporate liability for compliance with legislative requirements, including fiscal responsibility, human costs and human rights issues.
- Supporting and promoting the policy in the area of direct report and throughout the organization.
- Driving the organizational culture to a high level of understanding regarding disability and accommodation.

## 5. Consequences for Non- Compliance

Respect of persons with disabilities in the workplace is of paramount importance to URSU. If an employee is found to be in violation of this act or of their role under this act, they will be dealt with accordingly. For non-compliance, URSU and its managers may use any of the following as disciplinary action. URSU may use discretion to alter the details of each of the following to ensure the punishment is appropriate for the situation at hand:

- a) Suspension - removal of duties for a specified period of time.
- b) Apology - a verbal or written apology acknowledging poor behaviour.
- c) Termination - as per the corrective action and termination process.
- d) Reasonable discipline that the supervising manager, CUPE, and/or the Human Resources representative determine appropriate.

## **6. Processes**

URSU must grant leave of absence to an employee to recover from injury or illness, allowing a gradual return to work, altering work conditions and tasks, rearranging shifts, or bundling meaningful job duties in order to allow the employee to continue working. This may mean adjusting start/finish times to accommodate family issues.

### **6.1 Recruitment, Assessment and Selection**

If a selected candidate requests an accommodation, URSU and the hiring manager will consult with the applicant and provide or arrange a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability. Any existing accommodation plans will be considered throughout the hiring process.

### **6.2 Accessible Formats and Communication Supports for Employees**

URSU, upon the request of an employee with a disability, will consult with the employee to provide, or arrange for the provision of, accessible formats and communication supports for information that is needed to perform the employee's job, and information that is generally available to other employees.

### **6.3 Return to Work**

Each URSU employee with a disability is considered individually, on a case-by-case basis, in order to determine accommodation requirements, including a return to work process. A full-time employee who returns to work after being on Long Term Disability and who is able to satisfactorily carry out the duties of the classification which was held immediately prior to the commencement of the disability will be placed in the position the employee left or if that is not possible, in one with the same classification as that previously held.

Employees requiring accommodation are to contact their manager so that URSU and the employee can work together to develop an individual return to work accommodation plan. Third party expertise will be accessed, when needed, in the development of the plan. The plan will be documented and does not replace or override any other return to work process created by, or under, any other statute. If requested, information regarding accessible formats and communications supports provided will also be included in individual accommodation plans.

Accommodation plans will include individualized workplace emergency response information (where required), and will identify any other accommodation that is to be provided. An employee may not likely displace another employee to achieve accommodation. Excessive absenteeism and the prospects of returning to

work or not may be considered by the employer in determining the ongoing duty to accommodate, as may safety considerations.

## 6.4 Service & Therapy Animals

An employee or client with a disability that is accompanied by a guide dog or service dog will be allowed access to premises that are open to the public unless otherwise excluded by law. If a guide dog or service animal is excluded by law, URSU will try to offer alternative methods when possible. If it is not readily apparent that the animal is being used by the employee or client for reasons relating to his or her disability, URSU may request verification. Verification may include:

- a letter from a physician or nurse confirming that the person requires the animal for reasons related to the disability;
- Registration papers showing that the animal is a registered service or therapy animal;
- a valid identification card signed by the Attorney General of Canada; or,
- a certificate of training from a recognized guide dog or service animal training school.

## 6.5 Support Persons

If a customer/client with a disability is accompanied by a support person, URSU will ensure that both persons are allowed to enter the premises together and that the customer/client is not prevented from having access to the support person. All customer/client confidentiality requirements and practices will also apply to support persons.

## 7. Related information

Please see the following documents for related information.

1. [URSU Confidentiality Agreement](#)
2. [Saskatchewan Human Rights Code](#)
3. [Saskatchewan Employment Act](#)
4. [Occupational Health and Safety Regulations](#)
5. [URSU/CUPE Collective Bargaining Agreement](#)
6. [United Nations Convention on the Rights of Persons with Disabilities](#)
7. [Canadian Charter of Rights and Freedoms](#)
8. [Appendix A CUPE Collective Bargaining Agreement](#)
9. [URSU Corrective Action & Termination Process](#)
10. [Freedom of Information and Protection of Privacy Act](#)
11. [Health Information Privacy Act](#)
12. [Workers Compensation Act](#)