

Accommodation

Guideline

And

Procedure



*BRITISH COLUMBIA
INSTITUTE OF TECHNOLOGY*

I. OVERVIEW

The following guidelines express BCIT's commitment to enable all employees to contribute to the workplace to the best of their abilities while ensuring that BCIT provides quality service to its customers and stakeholders.

BCIT will endeavour to accommodate employees by providing meaningful, productive employment opportunities.

Employment opportunities offered to employees will be commensurate with the individual's abilities and skills in consideration of the requirement to maintain a safe and productive workplace.

In all cases, efforts will be made to accommodate an employee who for medical reasons is unable to perform the duties of their position. The first consideration for accommodations will be within their originating department and bargaining unit. Determining accommodation for unionized employees will be based on specific considerations in the order that follows:

Note: Accommodation may include reorganizing tasks, hours of work, providing assistive devices or specific training.

1. Review of the duties of the employee's current position and the work area to determine if modification will sufficiently accommodate the employee's needs.
2. Alternative suitable vacant position(s) within the employee's bargaining unit and department.
3. Alternative suitable vacant position(s) within the employee's bargaining unit outside the department.
4. Alternative suitable vacant position(s) outside the employee's bargaining unit.

II. ACCOMMODATION PROCEDURES

The following are the steps to be followed when accommodating employees. Requests for accommodation must be considered on an individual basis, and it is understood that there will be variations depending on the circumstances in each case. The goal in all situations is to have a productive employee while minimizing the impact on operations in the work site.

1. Identification of need for accommodation

- Once the employee feels that he or she needs to be accommodated in the workplace for a medical condition, it is the responsibility of the employee to request accommodation from the employer. The employer is then responsible for initiating discussions with the employee regarding accommodation. Even if an employee has not requested accommodation, if the employer is aware of a medical condition, which may affect the employee's ability to perform work, the employer should initiate discussions with the employee to determine if accommodation is suitable.

- A request for accommodation must be supported by medical evidence from the employee's medical practitioner indicating that an employee cannot continue to work in their existing position. The medical evidence must include the specific modifications and limitations that are required.
- The employer has the right to verify the need for accommodation as provided by the attending physician and may request further rationale or evidence in writing.

2. Evaluation of Employee Capabilities and Limitations

- Once the need for accommodation is identified and verified, the Employer, the Union (if applicable) and the employee will work together to evaluate the employee's capabilities and limitations as they relate to the workplace. This evaluation may involve obtaining information from a third party.
- An important consideration when evaluating capabilities and limitations in terms of operational requirements is whether an accommodation situation is short or long term. A short-term need may be easily met; however, a longer term situation may require a more complex planning process.

3. Determination of Accommodation within Existing Position

- It is BCIT's objective to accommodate an employee within their existing position wherever possible.
- Methods to accommodate an employee may include:
 - modify, transfer or eliminate job tasks
 - modify work processes or methods
 - adjust hours of work or rest periods
 - provide assistive devices (ergonomic assessment etc.)
 - provide training
- Previous accommodation methods of similar cases may be reviewed for successful strategies.

4. Exploring Accommodation in Alternative Positions

- Should accommodation not be possible within the employee's existing position, alternative positions should be explored in the order outlined in Part I, Overview.
- The same methods to accommodate an employee in their existing position, outlined in Paragraph 3 above, will also apply for alternative positions.
- Some factors to consider when exploring accommodation in an alternative position include:
 - Employee's classification and salary level
 - Capabilities and limitations of the employee
 - Transferable skills
 - Operational needs

- Collective Agreements
 - Benefit alternatives – e.g. Pension
 - Undue hardship to the organization
- As vacancies occur throughout BCIT, the Institute will give consideration to employees requiring accommodation.

5. Exhaustion of Accommodation Measures

- The goal of BCIT, the Employee, and the Union is to explore all available accommodation measures and facilitate the best accommodation, up to the point of undue hardship. This does not necessarily guarantee the “perfect” solution.
- Once reasonable accommodation measures have been made, further accommodation will only be considered if the reason for requiring the original accommodation changes.
- When an employee refuses a reasonable proposal, BCIT will consider its duty to accommodate to have been fulfilled.

Additional Resources

While the manager and the employee can best decide the specifics of the accommodation, other resources are available to assist in making the decision:

- BCIT Human Resources Advisor
- BCIT Occupational Hygiene Coordinator, Safety and Security Office
- BCIT Harassment and Discrimination Advisor
- Union representatives

Independent Medical Providers/Assessors (for example CIRA, Back in Motion, etc.), Manulife Financial, WorkSafe BC and a variety of community resources work with the employee, the physician and the Employer to look at workplace modifications and makes recommendations to the institute to consider.

WorkSafe BC has facilities, expertise, and resources available to assist employers and employees that promote return to work initiatives. More information can be found at: http://www.worksafebc.com/claims/rehab_and_rtw

These guidelines and procedures must be interpreted and applied in accordance with the legal requirements regarding the duty to accommodate. Where any provision of these guidelines and procedures conflict with the legal requirements regarding the duty to accommodate, the legal requirements take precedence.