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WORKPLACE ACCOMMODATION

POLICY STATEMENT

1. Non-Public Funds (NPF) is committed to recognizing and valuing the diversity of its workforce, ensuring that all employees are able to effectively and efficiently use their skills and experience to contribute to NPF's mission and vision by providing a workplace that is accessible and free of employment barriers and discrimination, and accommodating the employment-related needs of NPF employees, to the point of undue hardship.

POLICY OBJECTIVE

2. The objective of this policy is to take steps to eliminate disadvantage to employees and prospective employees resulting from a rule, practice, or physical barrier that has or may have an adverse impact on individuals or groups protected under the *Canadian Human Rights Act* (CHRA) and the *Employment Equity Act* (EEA) as follows:

- a. discrimination on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability; and
- b. discrimination as a result of being a member of designated group under, i.e. women, Aboriginal People, visible minorities and persons with disabilities.

3. Accommodation must respect individual dignity to enable employees to realize their potential in the workplace. There are many forms of accommodation including, but not limited to:

- a. improving physical access to the workplace;
- b. adjustments to policies and procedures;
- c. modifying work schedules or duties; and
- d. supplying special aids or equipment.

DEFINITION

4. Barriers mean physical obstacles as well as formal or informal policies and practices that restrict or exclude persons in designated groups from employment opportunities.

5. Bona fide occupational requirements, standards or rules that:

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- a. the employer has adopted for a purpose or goal that is rationally connected to the functions of the position;
 - b. the employer has adopted in good faith, in the belief that they are necessary to fulfil the purpose or goal; and
 - c. are reasonably necessary to accomplish the purpose or goal in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.
6. Duty to Accommodate means the legal obligation of NPF to adopt measures to eliminate disadvantage to employees and prospective employees as a result of a rule, policy, practice or barrier that has or may have an adverse impact on individuals or groups protected under the CHRA, or identified as a designated group under the EEA.
7. Undue hardship means the limit to which employers are expected to accommodate in a given situation, taking into consideration, but not limited to, the following factors:
- a. availability of options for accommodation;
 - b. realistic ability to meet the costs associated with accommodation; and
 - c. health and safety of the public, employees and customers.
8. Persons with disabilities. The disability may be visible or invisible. Persons who have a long-term or recurring physical, mental, psychiatric, learning or sensory impairment and who:
- a. consider themselves to be disadvantaged in employment because of this impairment;
 - b. believe that an employer or potential employer may perceive them to be disadvantaged in employment because of this impairment; and
 - c. have been accommodated in their current job or workplace (e.g. use of technical aids, change to equipment or layout of workspace) due to functional limitations caused by their disability.
9. Workplace is the physical location and greater work environment in which an employee carries out work-related functions and activities.
10. Workplace Accommodation is the removal of workplace barriers that may

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have an adverse effect on an individual or a particular group. In addition, it provides individual adjustments in the workplace that respond to the employment-related needs of a specific or prospective employee. Accommodation must respect individual dignity to enable individuals to realize their potential in the workplace. There are many forms of accommodation including, but not limited to improving physical access to the workplace, adjustments to policies and procedures, modifying work schedules or duties and supplying special aids or equipment.

POLICY APPLICATION

11. This policy applies to all employees and prospective employees.

POLICY REQUIREMENTS

12. NPF shall:
- a. establish and maintain an effective system for accommodating the employment-related needs of current and prospective NPF employees, including members of designated groups;
 - b. provide and maintain a workplace environment that is accessible, non-discriminatory and inclusive;
 - c. ensure that all employment systems, policies, practices, work arrangements and NPF facilities are free of discriminatory barriers;
 - d. respond in a timely, confidential, sensitive and effective manner to all employment-related requests for accommodation;
 - e. provide training on diversity to managers and supervisors, including CF members who act as supervisors or managers of NPF employees; and
 - f. implement the Workplace Accommodation – Guidelines, attached as Annex A, issued by the Department of National Defence and adopted by NPF with minor variations.
13. NPF employees shall:
- a. identify and communicate their employment-related needs;
 - b. work cooperatively to find optimal solutions to accommodate their needs; and
 - c. demonstrate flexibility throughout the process.

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14. The detailed responsibilities of Director Diversity and Equity (DDE), Regional Managers Human Resources (RMHRs), Human Resources Managers (HRMs), responsible managers, employees and Union representatives, is attached as Annex B.

DELEGATION

15. Division Heads and Base Commanders (BComds), through their duly appointed managers, have the delegated authority to ensure the application of this policy.

ACCOUNTABILITY

16. Operational managers are accountable for applying this policy. HRMs, through RMHRs, are responsible for monitoring the application of this policy by advising and following-up through the chain of command.

17. DDE will monitor compliance by means of field reviews and visits.

ENQUIRIES

18. Enquiries on the interpretation and application of this policy are to be directed to DDE.

REFERENCES

Canadian Charter of Rights and Freedoms

Canadian Human Rights Act

Employment Equity Act

OPI: DDE

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WORKPLACE ACCOMMODATION GUIDELINES

INTRODUCTION

1. These Workplace Accommodation (WA) Guidelines provide responsible managers with information pertaining to their responsibilities with respect to WA and the procedures to be followed when responding to an accommodation request. These Guidelines also provide employees and prospective employees with information on their rights and responsibilities with respect to accommodation in the workplace and during the selection process.

THE NEED FOR WORKPLACE ACCOMMODATION

2. WA may be a temporary or a permanent arrangement or requirement. The need for WA can arise at different stages:

- a. during the selection process;
- b. at the beginning of employment; or
- c. at any time after employment has commenced, for instance with respect to religious leave, attendance management, return to work management and occupational health and safety.

3. Accommodation requires an individual assessment of the needs of the employee making the request. Considerations for WA may pertain to:

- a. parking or transportation;
- b. workplace access;
- c. conference, training or meeting facilities;
- d. services, aids or equipment;
- e. hiring and employment practices; and
- f. work procedures, schedules or duties.

TYPES OF ACCOMMODATION

4. WA requirements can range from simple and informal, such as flexible work arrangements, to more complex and formal requirements, such as making modifications in the physical office environment, providing work-related technical aids or sign language interpretation, and adjusting the testing/interview process

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for applicants with special accommodation needs. Each accommodation is different. It is based on job requirements and individual circumstances and tailored to individual needs. Some accommodations are obvious while others will require creativity and investigation of various options.

5. The following list illustrates some situations that may warrant WA:
 - a. employees with hyper-sensitivities to food, perfumes or chemicals;
 - b. employees with disabilities who have a medical certificate stating that they cannot use public transportation and require a parking in close proximity to the place of work;
 - c. employees with physical or sensory disabilities who require technical aids;
 - d. employees who require personal assistants such as attendants, sign language and oral interpreters, and readers;
 - e. employees who, by religious association, observe holy days that are not designated holidays, in accordance with Section 6 – Leave, require prayer breaks during working hours, or follow a dietary plan;
 - f. employees who must wear certain items of clothing specific to his or her culture or religion; and
 - g. employees who require flexible or special work arrangements to meet their special needs.

RELIGIOUS ACCOMMODATION

6. Accommodation of religious practices includes making some adjustment to work procedures, routine practices or policies so that employees can participate in a practice that is central to his or her religious beliefs. The practice must be considered a fundamental requirement of the religion, and not merely a religious custom or tradition.

Note: Religious accommodation does not extend to employees whose religion provokes hatred or violence against other individuals or groups, or to practices that claim to have a religious basis, but which contravene international human rights standards or criminal law.

7. Requests for the accommodation of religious practices are likely to fall into one of the following areas below. These areas may include, but are not limited to, the following:

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- a. Major Religious Holy Days and Celebrations - An employee may be excused from work on a day deemed a holy day by the church or religious group to which he or she belongs. A list of major religious holy days is available at http://www.forces.gc.ca/hr/religions/engraph/religions_toc_e.asp.
 - b. Prayer - Some religious groups have daily prayer practices that may conflict with the employee's availability and work schedule. Managers determine when job requirements dictate that an employee must be available for work and when some type of adjustment can be made. Where possible, the manager should make every reasonable effort to accommodate the requirement for daily prayer. This may be accomplished by providing an appropriate location within the building, such as an empty room or office.
 - c. Religious Dietary Requirements - An employee's faith may prohibit them from consuming certain foods. Whenever there are work functions (i.e. conferences) where catering is required, alternative meal choices should be made available.
 - d. Religious Attire - Religious attire is not cultural dress; it is a requirement of religious observation. Religious attire that should be accommodated in the workplace includes, but is not limited to, hairstyles, skullcaps, turbans, headscarves, crucifixes and other items of ceremonial dress. Employee requests for uniform alteration should be accommodated unless prevented by an operational requirement. Where uniforms are worn, managers may request that employees wear religious attire in the same colors as the uniforms. However, there may be religious requirements of color that cannot be modified.
8. Employees may, in accordance with this policy, request annual leave, compensatory leave, leave without pay, or a shift exchange (in the case of a shift worker), variable hours of work or individual arrangements for make-up time (if operationally feasible) in order to fulfill their religious obligations.
9. For holy days, the request should be made well in advance, and no later than four (4) weeks before the holy day, to ensure that scheduling of business trips, meetings, deadlines, etc takes the holy day(s) into account. Employees complete an NPF Request for Leave Form and indicate at Type of Leave Requested, Other Please Specify : Religious Accommodation.

ACCOMMODATION DURING SELECTION

10. WA must be available throughout the selection and appointment process. Responsible managers and Human Resources Managers (HRMs) are

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responsible for accommodating individuals in the conduct of the selection process, including with respect to deployments, acting appointments, the hiring of term, casual, student and part-time workers, and the selection of persons for developmental assignments. WA during the selection process does not necessarily mean accommodation will be required on the job after the appointment. Similarly, absence of any requested or required accommodation during selection does not preclude a future requirement.

11. HRMs and responsible managers must ensure that selection information is available in alternative formats and that job postings publicize the applicant's right to accommodation and indicate where candidates should direct any relevant communication.

12. Alternative formats must be responsive to the needs of the individual, this includes, but is not limited to, audio cassettes, braille, large print, and electronic versions of documents.

13. All accommodation measures must still ensure a selection process based on merit. Candidates are not exempt from meeting bona fide occupational requirements. Accommodation must not alter the nature or level of qualification assessed.

WA DURING SELECTION

14. The selection board is responsible for the assessment, including ensuring that the process followed is a fair one for all candidates. The selection board has a number of specific responsibilities relating to assessment of persons with disabilities:

- a. to determine the assessment tools to be used, including any accommodation necessary, to inform candidates concerning the nature of the assessment tools that will be used (e.g., whether oral or written format will be used) so that they may judge if an accommodation should be requested;
- b. to obtain adequate information and advice on which to base decisions on accommodation; and
- c. to ensure that the accommodation is provided.

15. Examples of accommodation during selection include, but are not limited to, providing:

- a. flexible scheduling of assessment activities;

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- b. individual testing;
- c. additional time;
- d. extra breaks;
- e. alternate formats;
- f. scent-free/perfume free environment; and
- g. adaptive aids or equipment.

PROCESSING A REQUEST FOR ACCOMMODATION IN SELECTION

16. On receiving the accommodation request, the HRM discusses with the candidate the accommodation needs and possible alternatives in the context of the selection process. The responsible manager makes a decision concerning the request, taking into consideration the evaluation criteria outlined in paragraphs 26 and 27, and ensures that any accommodation respects the requirement for the selection process to provide all candidates an equal opportunity to demonstrate their qualifications.

17. After the discussion, the HRM may seek specialist advice where the accommodation needs are not evident or where the accommodation request would require complex changes to the selection process.

NOTIFICATION OF THE ACCOMMODATION DECISION

18. The candidate is informed of the accommodation prior to its implementation. When accommodation is provided, it may not be exactly what the candidate had requested due to the context of the particular selection process. When there is a delay caused by implementing the accommodation, the applicant shall not be disadvantaged in the selection process. When accommodation is provided, the HRM ensures that the action taken is recorded in the competition file. If the responsible manager does not approve the accommodation, she or he must advise the candidate of this decision and of the right to seek recourse. The responsible manager also offers the candidate an opportunity for informal discussion of the decision at the earliest possible time.

RECOURSE

19. Recourse includes the right to:
- a. file a complaint under the *Canadian Human Rights Act*; or

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- b. in the case of a current employee, submit a grievance in accordance with Section 11 – Grievances, or the collective agreement.
20. Relevant requirements and procedures can be confirmed with the HRM, or the Canadian Human Rights Commission.

APPOINTMENT STAGE

21. A requirement for accommodation during selection does not necessarily mean that WA is required on the job following appointment. Similarly, the absence of any requested or required accommodation during selection does not preclude a future requirement for WA by the appointee. Accordingly, HRMs and responsible managers must exercise sensitivity and ensure that appropriate communication occurs during and after appointment, and all letters of offer contain a reference to WA.

22. If the appointment is subject to a probationary period, the date of appointment for persons with disabilities who require WA is the date on which the accommodation is made. Therefore, if the appointment is subject to a probationary period, the HRM or the responsible manager ensures that the letter of offer reflects the above requirement. The commencement of probation is the date on which accommodation is made and this date is confirmed in writing.

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ACCOMMODATION DURING EMPLOYMENT

Employee initiates a request for accommodation

23. For temporary and informal accommodations, an employee may only need to discuss the matter with his or her manager in order to make the appropriate arrangements. If the manager can deal with the accommodation promptly and with little effect on NPF, the manager and employee can agree not to file a formal request.

24. However, an employee must make a written request, using the Request for Workplace Accommodation (RWA) form, attached as Appendix 1, to his or her manager if he or she:

- a. requires the acquisition of adaptive aids or equipment;
- b. requires long-term, extensive accommodation or changes to the physical work space; or
- c. requires a flexible work arrangement as part of WA.

25. When an employee becomes aware of the need for WA, he or she advises their manager of this need and the accommodation required by completing the RWA form and attaching all relevant documentation (e.g. medical certificates, documentation on the disability or need, links to useful websites). In the case of a disability, the employee need only provide a description of their functional limitations, not a description of the exact nature of their disability. Medical reports are treated as strictly confidential. Flexibility on behalf of the parties involved is essential in successfully accommodating needs.

Manager considers the request for accommodation

26. On receiving the request, the responsible manager discusses with the employee the accommodation required and explores alternatives. The manager discusses the employee's accommodation needs in a respectful and sensitive manner as employees may find it difficult to request accommodation due to concerns about how this may impact their careers or working environment. In consultation with the employee, the manager:

- a. discusses the purpose and essential functions of the employee's job;
- b. determines the precise job-related limitation and considers the exact nature of the required accommodation;
- c. identifies accommodation possibilities and assesses the effectiveness

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each would have in allowing the individual to perform the job optimally;

- d. identifies any costs, benefits or detriments flowing from the alternatives and considers the cost-effectiveness of the options;
- e. assesses impact of the accommodation on operations;
- f. considers the individual merit of the request without bias or prejudice; and
- g. determines the requirement for any additional support documentation from the employee.

27. The responsible manager may need to consult experts to determine the appropriate WA. This may include the employee's physician or centres of expertise within NPF, such as HRMs, information management, or legal counsel. If a manager needs to disclose information to medical, HR or other experts, the disclosure occurs only to the degree necessary for NPF to respond to the employee's needs and with the consent of the employee.

Manager issues a decision

28. The responsible manager documents his or her decision in a Plan for Workplace Accommodation (PWA) form, attached as Appendix 2.

29. If accommodation is provided, the PWA identifies:

- a. the accommodation provided;
- b. the dollar cost, if any of the accommodation;
- c. the source of local funding;
- d. the stakeholder(s) that stand to benefit from the accommodation to be provided (e.g. the person making the request, the entire staff, etc.); and
- e. the date the accommodation will be implemented.

30. If accommodation is denied, the PWA identifies:

- a. the reason(s) that the accommodation was denied (i.e. undue hardship);
- b. the name of the person authorizing the decision not to grant the

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accommodation; and

- c. the date the employee was advised of the decision and his or her recourse rights.

FILE MANAGEMENT AND REPORTING

31. Responsible managers forward the original RWA form along with the PWA and any supporting documents to the HRM for retention on the employee's Workplace Accommodation file, which is kept separate from the employee's file. No personal information concerning WA is on employee files or on any other files. The purpose of retaining the Workplace Accommodation file is to expedite future requests for WA.

32. The HRM sends copies of the RWA form and the PWA to the RMHR for monitoring and reporting. Annually, RMHRs submit a detailed WA report to Director Diversity and Equity (DDE).

DISCLOSURE

33. All documents relating to individual WA requests are Protected B. Any disclosure with respect to an employee's specific need for accommodation is consistent with the requirements of the *Privacy Act*. Annual summaries prepared by DDE are for reporting purposes only and do not contain private or personal employee information.

34. Candidates and employees are made aware that certain situations may require disclosure of information and failure to provide consent may limit options to be considered.

RECOURSE FOR EMPLOYEES

35. If a denied or disputed request cannot be resolved between the employee and his or her responsible manager, the recourse process is as noted in paragraph 19.

36. All parties are encouraged to use alternative dispute resolution (ADR) approaches in order to resolve their concerns.

FUNDING FOR ACCOMMODATION

37. Responsible managers are responsible for incurring the costs of WA for their employees and candidates. They must include budget allocations in their business plans for accommodation. WA is not necessarily a one-time action or expense. The nature of the accommodation may change over time.

**APPENDIX 1
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PROTECTED B (when completed)

TO BE COMPLETED BY EMPLOYEE

REQUEST FOR WORKPLACE ACCOMMODATION

Employee's name: _____ Work Phone No: _____

Employee's Classification: _____ Employee No: _____
(Full-time, Part-time, Casual)

Division: _____ Base/Wing/Unit/HQ: _____

Describe the request or need to be addressed:

Describe the accommodation solution. Clarify both the need and the potential accommodation including advice sought from experts. If appropriate, attach supporting documentation.

Professional assessment being requested: Yes / No

Certain situations may require disclosure of information and failure to provide consent may limit options to be considered. Any disclosure with respect to an employee's specific need for accommodation will be consistent with the requirements of the *Privacy Act*.

Consent to Disclose Information: I consent : I do not consent :

Employee's signature

Date of Request: Day / Month / Year

Distribution: 1. Manager, 2. Employee, 3. HRM

**APPENDIX 2
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PROTECTED B (when completed)

TO BE COMPLETED BY MANAGER/SUPERVISOR	
PLAN FOR WORKPLACE ACCOMMODATION	
Attach to Appendix 1 for submission to HRM.	
1. What is the accommodation requested by the employee?	
2. Was accommodation provided:	Yes/No <i>(If no, go to question 7)</i>
3. If yes, describe the accommodation provided:	
4. What is the dollar cost (if any) of this accommodation? \$ _____ Indicate source of Funding (Base/Other) _____	
5. Date the accommodation was implemented: Day _____/Month _____/Year _____	
6. If the answer to Question 1 was no, please provide the reasons that the accommodation was not provided: <i>(attach relevant additional material)</i> .	
7. Has the employee been advised of the outcome of the request?	Yes/No Day _____/Month _____/ Year _____
8. Has the employee been advised of their right to file a grievance?	Yes/No Day _____/Month _____/ Year _____
Name of manager:	Signature of manager:
Date of completion: Day _____/Month _____/Year _____	

Distribution: 1. Manager, 2. Employee, 3. HRM

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RESPONSIBILITIES

DIRECTOR DIVERSITY AND EQUITY

1. Develop, implement, update and communicate Workplace Accommodation (WA) policies, rules, practices and procedures, to identify and eliminate discriminatory elements and barriers within NPF.
2. Monitor and evaluate the application of this policy as required.
3. Provide expert advice and guidance on the implementation of this policy.
4. Develop and implement mandatory diversity training for all NPF staff.
5. Liaise with Human Resources Managers (HRM) and responsible managers to resolve problems and share information.
6. Provide required support and tools to HRMs.

REGIONAL MANAGERS HUMAN RESOURCES THROUGH THEIR HUMAN RESOURCES MANAGERS

7. Ensure all employees are aware of and have access to this policy.
8. Provide advice and assistance to responsible managers and NPF employees on this policy.
9. Implement accommodation programs and processes for NPF employees in accordance with this policy.
10. Accommodate individuals in the conduct of the recruitment and selection process.
11. Ensure that employment policies, procedures, programs and activities are free of discriminatory barriers.
12. Administer the Return to Work Management Program to ensure that WA situations involving the return to work of injured or ill employees are addressed in a manner consistent with this policy.
13. Monitor and provide appropriate status reports to responsible managers as to diversity training and compliance with this policy by all NPF employees.

RESPONSIBLE MANAGERS

14. Abide by this policy.

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15. Demonstrate a positive, proactive and sensitive approach to WA.
16. Ensure that all NPF employees undertake diversity training and abide by this policy.
17. Deal with each request for WA in a timely, sensitive and confidential manner.
18. Secure funds through the business planning process to acquire the technical aids, equipment and support materials that are required to accommodate employment related needs of employees.
19. Consult and notify HRMs of WA requests by forwarding a copy of the RWA form and approved PWA.
20. Ensure accommodated NPF employees retain the provided technical aids, equipment and support materials should they move within NPF and still require WA.

NPF EMPLOYEES REQUIRING WORKPLACE ACCOMMODATION

21. Inform managers of their WA needs in accordance with this policy.
22. Work co-operatively and in partnership with their responsible managers to find the most appropriate means to accommodate their WA needs.
23. Identify the nature of specialized services required and the frequency of these requirements.
24. Provide reports or medical information relevant to identifying appropriate WA.
25. Inform managers when the requirement for WA has changed or is no longer required and returning all technical aids, equipment and support materials to NPF in a timely manner.
26. Communicate religious or medical requirements to emergency personnel by means of medic alert bracelets, wallet inserts, instructions to colleagues and next of kin.

NPF EMPLOYEES

27. Demonstrate a positive, proactive and sensitive approach to WA.

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NPF UNIONS

28. Provide advice and guidance to their members.