

#### **EMPLOYMENT CONDITIONS – REASONABLE ACCOMMODATION**

**HR D6**

#### **INTENT**

To provide guidelines for supervisors with respect to supporting employees who request consideration for an alteration to their job duties in order to support a change in their capacity to perform their job.

#### **DEFINITION**

##### **What is the Duty to Accommodate?**

The ‘duty to accommodate’ is a legal requirement arising out of human rights legislation and case law in Canada. Although “duty to accommodate” is not found in *the BC Human Rights Code*, a series of Supreme Court of Canada decisions confirm the duty exists and applies to all provincially regulated employers. Where a barrier exists, or a policy or practice has adverse consequences on an individual in a protected group, the law says that the employer should reasonably accommodate that individual’s difference provided they can do so, without incurring undue hardship, or without sacrificing a *bona fide* or good faith requirement of the job.

#### **POLICY**

Sunshine Coast Community Services Society will make reasonable efforts to accommodate a staff member who is unable to perform his or her normal duties due to pregnancy, injury, illness or diminished capacity. Each case will be assessed on its individual merits.

#### **PROCEDURE**

1. Staff will provide their supervisor with information from a physician who has assessed the seriousness of the illness or physical disability and how it would limit the ability to work. Employees eligible for benefits will be referred to the Disability Management Institute as per HR D9 Employee Conditions: Benefits/Disability Management. The supervisor will discuss the situation with the Program Manager or Director. The assessment can be reviewed later if the staff member’s condition changes. This information will be kept strictly confidential.
2. Together, the supervisor and Program Manager or Director will assess if the employee’s limitations as stated by the physician would place an undue hardship on the operation of the particular program. They will also assess if there is a *bona fide* occupational requirement which the employee cannot meet, in which case reasonable accommodation cannot be made.
3. If accommodation for the employee in her or his present position cannot be made, reasonable efforts will be made to provide suitable alternate employment within the agency. If alternative employment is not available the employee who is pregnant, sick or injured will be placed on sick leave. In the case of an employee with diminished capacity when no

alternative employment is available, further discussion with the Executive Director will take place as the only alternative may be termination of employment.

All the procedures above will be documented by the supervisor, Manager and/or Director as they progress through the process with the employee.

The terms and condition of the Collective Agreement will apply to this policy as appropriate.

**REFERENCE** HR D9 Benefits, HR D8 Leaves

<b>EFFECTIVE: December 1, 2015</b>	<b>APPROVED BY: Executive Director</b>	
<b>REPLACES: April 1, 2014</b>	<b>MONITORING: Executive Director</b>	<b>FREQUENCY: Annually</b>