Workplace Accommodations Information Session

August 11, 2021

CUPE 3903

Agenda

Introductions

Workplace accommodations and your collective agreement

The duty to accommodate

Workplace accommodations procedures

Medical Documentation

Examples of workplace accommodations

Accommodations & Covid-19

The role of your union

Your responsibilities as an employee

BREAK

Q & A

Workplace accommodations & your CA

Article 4.01:

The Employer will provide reasonable accommodations as required for persons with disabilities. Proposed Work Accommodation Plans will normally be implemented within thirty (30) days following the provision of all necessary medical documentation and developed with the participation of the employee with the goal of addressing the barriers.

Workplace Accommodations and your CA

Article 15.25 for U1 & U2, Article 11.11 for U3, Article 18.03 for U4:

ACCOMMODATION The parties acknowledge their duty to accommodate persons with disabilities in the manner and to the extent required by the Ontario Human Rights Code . The parties agree that this means accommodating disabled employees to the point of undue hardship if such accommodation will enable the employee to perform the essential duties of his/her position . An employee with whom an accommodation is being discussed may have a union representative present during any such discussions .

Ontario Human Rights Commission - Duty to Accommodate

Duty to accommodate has a substantive and procedural component

OHRC states that the process (procedural component) by which accommodations are assessed are as important as the accommodations themselves (the substantive component)

Ontario Human Rights Commission - Duty to Accommodate Part 2

Principles for accommodation:

Respect for Dignity

Individualization

Integration and Full Participation

Distinction between needs and preference

Workplace Accommodations Procedures

Member or their representative contacts Employee Well-Being (EWB)

EWB follows up with member and either

Requests an intake meeting to assess accommodation needs, or

Sends member a list of questions to have their medical practitioner fill out

Once EWB receives medical documentation they may

Request a meeting with the member to discuss accommodation needs, or

Begins developing a workplace accommodation plan

EWB will then contact the Associate Dean and the Hiring Unit to inquire about adjustments to job duties, implementation of accommodations and/or work availability (no disclosure of disability or medical information to either the Hiring Unit, Course Director, or Associate Dean)

Workplace Accommodations Procedures Part 2

EWB will then draft an Accommodated Work Plan (AWP) for the member and send it to the member (and union representative if requested by member)

The member will review the AWP and, if appropriate, sign the AWP

(If the AWP does not meet member needs fully, they are encouraged to contact CUPE 3903 Equity Officer)

Once the plan is signed and submitted to EWB, the Associate Dean appoints someone to monitor the implementation of the AWP

Accommodations are reviewed and renewed on an annual basis

Medical Documentation

Members will need to submit a formal letter, or Medical Absence/Accommodations Certificate (MAAC form) to EWB

This letter should:

Outlines the nature of your medically documented disability, including whether it is temporary, permanent, episodic, without disclosing diagnosis

Outlines your accommodation needs that arise from the disability/impacts of disability that give rise to specific accommodation needs

Outlines accommodations that you require and that the Employer can provide that would allow for you to complete the essential duties/requirements of the job

Examples of Workplace Accommodations

Modified job duties

Making changes to the building or moving class to another building

Providing alternative ways of communicating with the employee

ASL interpretation, Captioning, follow up by phone call

Allowing for more training, or training that is delivered in a different way

Modifying break policies

Allowing a flexible work schedule

Flexible timelines/deadlines

Examples of Workplace Accommodations Part 2

Extended time for completing particular tasks

Access to certain technologies/limit use of or non-use of certain technologies

Marker/grader support

Alternative work

Accommodations & Covid-19

Work from home accommodations related to disability; individual accommodations process through EWB

Family Status accommodations due to caregiving responsibilities or living with someone who is at high risk of severe outcomes - negotiated through the Office of the Associate Dean for Fall 2021, Winter 2022 through EWB

Accommodations on the basis of religious beliefs

Vaccine exemption on medical grounds

Family Status Accommodations

Family status accommodations are usually associated with caregiving needs

Employers have a duty to accommodate people whose work obligations interfere with their family obligations/responsibilities

The types of family obligations that are protected are parent-child relationships, legal guardianship, or extended family responsibilities.

Changes in scheduling, location of work, flexible work hours, leaves of absence for family care, and alternative work assignments are all examples of possible family status accommodations

To apply for Family Status Accommodations that are not COVID-19 related, members are asked to contact the Chair of their Hiring Unit

For COVID-19 related Family Status Accommodations, members will need to contact the Office of the Associate Dean in each Faculty

The role of your union

Advise you of your Collective Agreement Rights

Support you in navigating the EWB bureaucracy

Join you in meetings with EWB

Advocate on your behalf, using consent based practice

Support with follow up if your accommodations are not being implemented by the Hiring Unit

Your responsibilities as an employee

Engagement with the accommodations process

Provide documentation as needed

Advise EWB of changes/changing needs as they arise (or as soon as is possible)

Renew accommodations annually

Q & A

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