

# Workplace Accommodations Information Session

September 7, 2021

CUPE 3903



# Agenda

1. Introductions
2. Workplace accommodations and your collective agreement
3. The duty to accommodate
4. Workplace accommodations procedures
5. Medical Documentation
6. Examples of workplace accommodations
7. Accommodations & Covid-19
8. Family Status Accommodations
9. The role of your union
10. Your responsibilities as an employee
11. BREAK
12. 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

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

- 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

- 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/family status accommodations process
- 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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