Workplace Accommodations Information Session
January 13, 2022
CUPE 3903

Agenda
Introductions
Workplace Accommodations Procedures
Medical Documentation
Examples of Workplace Accommodations
Accommodations & Covid-19
Family Status Accommodations
Question & Answer Period

Additional Information:
Workplace Accommodations and your Collective Agreement
The Duty to Accommodate
The Role of your Union
Your Responsibilities as an Employee

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 to EWB (historically Medical Accommodations & Absence Certificate)
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

Medical Documentation
Standard Accommodation Questions provided by EWB
In order to support your patient and review reasonable accommodation options, we are in need of specific information regarding their functional restrictions and limitations (i.e. limited walking, lifting, concentration, social interaction etc.). To this end, kindly provide your response to the following:
Kindly advise on the nature of condition(s) for which limitations are present. (NOTE: Diagnosis information is not being requested)
Please advise on your patient’s functional limitations (e.g. walking, concentration, social interaction, sitting etc.) related to their medical condition(s), both including physical and cognitive. Please indicate duration or weight for any physical limitations such as sitting, walking or lifting.
Kindly advise on the prognosis of aforementioned limitations.
If applicable, kindly comment on any medical contraindications we need to be aware of in determining a suitable and reasonable accommodation to support your patient to participate in their role at York University
Please indicate any additional comments, as applicable.

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 whether COVID-19 related or not, members will need to complete the Family Status Accommodations form and email it to Employee Well-Being at the following email address: famsacc@yorku.ca

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

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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