

## 1.0 PURPOSE

- 1.1 This Policy establishes the College goal of providing, in an equitable manner:
- a. reasonable accommodation to support an employee’s ability to compete for jobs, perform their work and fully participate in employment at the College.
  - b. an efficient process consistent with principles of confidentiality and shared responsibility.
  - c. clarification of roles and accountabilities within the College related to the policy, and,
  - d. an inclusive working and learning environment.

## 2.0 SCOPE

- 2.1 Nova Scotia Community College recognizes its duty to provide a working and learning environment free from discrimination and to address employee needs with accommodations in accordance with the Nova Scotia Human Rights Act.

This policy applies to all current employees regardless of status or job applicants to the College, who meet the definition of disability as per the Nova Scotia Human Rights Act.

## 3.0 DEFINITIONS

- 3.1 **Bona Fide Job Requirements** Bona Fide Job Requirements are an exception to the duty to accommodate which is incorporated into Human Rights laws across Canada. They are the necessary requirements essential for safe, proper and reliable performance of the job and which are objectively, reasonably necessary for such performance. A bona fide requirement is a requirement of the job in question that cannot be modified or removed to accommodate employees.
- 3.2 **Disability** For the purpose of this policy, disability includes “physical disability or mental disability” as defined in s. 3(l) of the Nova Scotia Human Rights Act. A disability may be long-term, short-term, or recurring.
- 3.3 **Disability Management Provider** A third party vendor partnered with NSCC to provide specialized case management services and expertise as a means of facilitating a timely, safe return to the workplace for employees who are absent for medical reasons. Access to medical expertise and assistance in navigating health resources and support helps employees ensure that appropriate treatment plans are in place to support their health and well-being.
- 3.4 **NSCC Health & Disability Coordinator** A position in Human Resources that is the primary contact and coordinator of benefits and processes for employees on sick leave. Acts as a connection point for the College and employees, managers, medical practitioners and the Disability Management Provider.
- 3.3 **Reasonable Accommodation** For the purpose of this Policy, “reasonable accommodation” and “accommodation” are used interchangeably. The fundamental nature of the duty to accommodate imposes a positive duty on employers to provide

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employees or job applicants with an opportunity to perform the essential duties of the job. It is an individualized process which, to the point of undue hardship, involves the removal or alleviation of barriers that prevent an otherwise capable individual from participating equally in the workplace because of a disability as defined by the Nova Scotia Human Rights Act. Accommodation does not have to be perfect, but does have to be reasonable.

- 3.4 Undue Hardship** Describes the limit beyond which employers and service providers are not expected to accommodate. There is no all encompassing definition of undue hardship nor is there a precise formula for determining if undue hardship will be imposed by accommodation. The factors which may be considered in determining whether undue hardship exists depend on the circumstances but may include the nature of the position, the availability of alternative positions, financial cost of accommodation, the relative interchangeability of the workforce and facilities, any substantial interference with the rights of other employees, the impact of accommodation on the delivery of service and organizational viability, possible unavoidable disruptions to operations, and health and safety concerns.

If the costs, risks and burdens outweigh the benefit of accommodation, undue hardship may be found. The point of undue hardship varies depending upon the employer’s operation but the burden on the employer must be substantial in order to amount to undue hardship.

## 4.0 Policy

- 4.1** The College is committed to achieving a culture and work environment that is supportive of employees with disabilities. In accordance with these principles, reasonable accommodation will be made on a case by case basis to meet the specific needs of employees and job applicants, and systemically to make the College as a whole accessible to employees and job applicants with disabilities.
- 4.2** The College will provide reasonable and appropriate accommodation to:
  - a.** support the inclusion of persons with temporary or permanent disabilities into employment activities; or
  - b.** return an employee to employment following a period of illness, when requested by an employee whose disability adversely impacts his/her ability to perform their work and fully participate in employment at the College; or by a job applicant whose disability adversely impacts his/her ability to compete for jobs. The College will not provide accommodations which result in undue hardship.

### Guiding Principles

- 4.3** Employees and managers share responsibility for planning, implementing and monitoring accommodations.
- 4.4** In order to meet the needs of employees impacted, the fundamental principles of this Policy include:

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- a. The employee, NSCC Health and Disability Coordinator, the Disability Management Provider, any medical practitioners or other third parties with specialized expertise, managers, and unions all share responsibility for working together to facilitate accommodation.
- b. Accommodations are individualized to meet the specific medically supported limitations of each employee or job applicant.
- c. All of those with shared responsibility for accommodation are consulted, and/or involved as applicable, in the development of the accommodation and/or return to work plan.
- d. All of those with shared responsibility for accommodation must work cooperatively and consider all reasonable accommodation offers and opportunities, and
- e. Respect for confidentiality and the privacy of individuals is integral to the process.

## 5.0 ROLES AND RESPONSIBILITIES

**5.1 Employees** are responsible to:

- a. initiate the request for an accommodation.
- b. provide comprehensive third party documentation to substantiate information, including medical information, documents, reports or opinions supporting accommodation requests.
- c. provide the College with information related to current capabilities, limitations or restrictions and prognosis for recovery.
- d. pursue available or recommended treatment in a timely manner.
- e. obtain, in a timely manner, appropriate medical treatment to support medical accommodations.
- f. communicate with the manager, Human Resources, the Health and Disability Coordinator, the Disability Management Provider and any medical practitioners or other third parties with specialized expertise as deemed appropriate.
- g. provide appropriate follow-up assessments of capabilities and progress to Human Resources.
- h. cooperate in the development and implementation of reasonable and appropriate accommodation based on current abilities and meaningful work.
- i. participate in the accommodation process that meets his/her current abilities and consider any reasonable offer of accommodation, and
- j. communicate any issues, problems or changes with the accommodation to their manager and Human Resources as appropriate.

**5.2 NSCC** is responsible to:

- a. support employees and job applicants who self-identify a disability and request accommodations.
- b. request comprehensive disability information supporting accommodations.

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- c. lead the planning, implementation, and monitoring of accommodations in a way that is consistent with responsible financial management and operational requirements, and does not pose an undue hardship on the College.
- d. determine, on a person-by-person basis, appropriate accommodations by ensuring that each employee with a disability is considered, assessed and accommodated individually, facilitate the development of accommodation/return to work plans that are consistent with the accommodation requirements of employees and aligned with operational needs.
- e. review the effectiveness of the accommodation/return to work plan on a regular basis, and
- f. maintain strict confidentiality over any employee medical information and ensure that any employee medical records are stored in a locked location separate from the employee file.

## POLICY SUPPORTS

**Related Policies**

Short Term Illness (STI) Support Policy  
 Official Employee File Policy  
 MC Guidelines  
 Employment Equity Policy

**Collective Agreements**

Operational Support Collective Agreement  
 Professional Support Collective Agreement  
 Faculty Collective Agreement

**Related Law, Legislation, Acts**

[Nova Scotia Human Rights Act](#)

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