

## **1.0 ASSOCIATED POLICY**

- Human Rights and Accessibility Policy

## **2.0 DEFINITIONS**

This procedure adopts the defined terms contained within the Human Rights and Accessibility Policy, as well as the following:

### **Accessibility**

The degree to which physical, pedagogical, and administrative structures are designed to enable full participation of the University and community.

### **Accessibility Need**

A disadvantage due to a rule, practice, or barrier related to a Protected Ground.

### **Accommodation**

A change to certain rules, standards, policies, workplace cultures, and physical environments to ensure that they do not have a negative impact on a person due to a Protected Ground.

### **Accommodation Plan**

A document outlining the Accommodations that will be put in place for the Employee because of the Accommodation Request.

### **Accommodation Request**

A request for the University to take positive steps in response to a Student, Faculty, or Staff experiencing an Accessibility Need submitted in accordance with an associated procedure.

### **Association**

The MacEwan Staff Association or the Faculty Association of Grant MacEwan University as appropriate.

### **Bona Fide Requirement**

An occupational or educational requirement that, on a balance of probabilities, was adopted for a rational purpose connected to the performance of the job or the provision of the service, was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service, and is reasonable and necessary to the fulfillment of the job or service.

### **Chair**

The lead administrative officer of a department, or comparable entity.

### **Dean**

The Dean administrative officer of a Faculty, School, or comparable entity.

### **Director**

The Out of Scope Manager responsible for supervision of the accommodated Employee.

### **Disability**

Physical disability or mental disability as included in provincial human rights legislation.

**Duty to Accommodate**

The legal duty to make changes to certain rules, standards, policies, workplace cultures and physical environments to ensure that they do not have a negative impact on a person due to a Protected Ground.

**Employee**

An individual employed by the University, including members of the MacEwan Staff Association, members of the Faculty Association of Grant MacEwan University, and employees not included within the scope of either the MacEwan Staff Association or the Faculty Association of Grant MacEwan University.

**Manager**

The individual to whom the Employee directly reports.

**Protected Ground**

Race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation.

**3.0 PROCEDURE ELEMENTS**

**3.1 Faculty and Staff Accommodation Request**

- 3.1.1 An Employee may make an Accommodation Request to address an Accessibility Need related on a Protected Ground to their Manager or Dean.
- 3.1.2 An Employee must make an Accommodation Request in writing with sufficient notice to implement the Accommodation. Sufficient notice depends on the specific Accommodation.
- 3.1.3 If the Accommodation Request is for Disability reasons, an Employee may be asked to provide relevant documentation which:
  - 3.1.3.1 is completed by a licensed professional with specific training and expertise in the diagnosis and/or description of the Disability;
  - 3.1.3.2 confirms that a Disability exists and describes the functional effects relevant to the job description and occupational Bona Fide Requirements; and
  - 3.1.3.3 reflects the Employee's current level of function in relation to the duties of their job.
- 3.1.4 If the Accommodation Request is for non-Disability reasons, relevant documentation may be requested by the Manager or Dean.
- 3.1.5 Upon receiving an Accommodation Request the Manager or Dean will:
  - 3.1.5.1 advise the Employee and Labour Relations Consultant or the Senior Manager of Faculty Relations of the Accommodation Request;
  - 3.1.5.2 review any relevant documentation and background information; and
  - 3.1.5.3 meet with the Employee and Labour Relations Manager or the Senior Manager of Faculty Relations, the employee, and the appropriate Association to discuss the Accommodation Request.

- 3.1.6 The Dean or Director, upon advice from the Employee and Labour Relations Consultant, or the Senior Manager of Faculty Relations, will make a final decision with respect to the Accommodation Request, and will provide a letter to the Employee, which will include:
  - 3.1.6.1 the decision on the Accommodation Request; and
  - 3.1.6.2 if the Accommodation Request is approved, an Accommodation Plan.
- 3.1.7 The Accommodation Plan must be signed by the Employee, the Manager or Dean, the Employee and Labour Relations Consultant or the Senior Manager of Faculty Relations, and the respective Association and is filed in the Employee's employment file.
- 3.1.8 The Accommodation Plan will be reviewed by the signatories of the original agreement on an ongoing basis as deemed necessary by the Manager or Dean.
- 3.1.9 Once an Accommodation Plan is in place, the Manager or Dean may request an update to any relevant documentation (see 3.1.3).

### **3.2 Roles and Responsibilities**

- 3.2.1 Deans, Directors, and Out of Scope Managers are responsible for:
  - 3.2.1.1 immediately informing the Employee and Labour Relations Consultant or the Senior Manager of Faculty Relations if an Employee submits an Accommodation Request;
  - 3.2.1.2 exploring all available options to assist an Employee's needs and restrictions identified in an Accommodation Request;
  - 3.2.1.3 providing a current job description and physical demands analysis (if applicable) provided by the Human Resources department to the Employee;
  - 3.2.1.4 working with the Employee and Labour Relations Consultant or the Senior Manager of Faculty Relations to determine an Employee's Accommodation Plan;
  - 3.2.1.5 reimbursing the cost of medical documentation if requested or required by the Employee; and
  - 3.2.1.6 covering the cost of assistive devices, equipment, or modifications that may be required for an Employee that has modified duties or that is working under an approved Accommodation Plan.
- 3.2.2 Faculty and Staff are responsible for:
  - 3.2.2.1 following published processes for accessing specific services and accommodations;
  - 3.2.2.2 actively participating in the Accommodation Request process, including the development of an Accommodation Plan;
  - 3.2.2.3 providing consent for the University to send the Accommodation Questionnaire and/or MacEwan's Physician's Assessment Form to the appropriate professionals as it relates to the specific Accommodation Request; and
  - 3.2.2.4 contacting their Association at any time during the return to work or accommodation request process to request assistance.

- 3.2.3 The Wellness and Benefits Office is responsible for:
- 3.2.3.1 preparing and sending MacEwan Physician's Assessment Form to the Employee's physician;
  - 3.2.3.2 providing information regarding the Employee's abilities or limitations provided by the physician to the Employee and Labour Relations Manager or the Senior Manager of Faculty Relations;
  - 3.2.3.3 advising the Employee on insurance coverages available and applicability; and
  - 3.2.3.4 maintaining a list of providers for assistive devices and services that may be required by Employees.
- 3.2.4 Employee and Labour Relations Consultant and the Senior Manager of Faculty Relations are responsible for:
- 3.2.4.1 providing advice to Managers and Deans regarding the Duty to Accommodate;
  - 3.2.4.2 providing collective agreement interpretation to Employees and their managers;
  - 3.2.4.3 coordinating meetings with stakeholders where appropriate; and
  - 3.2.4.4 providing an up to date job description to the employee, manager, and external medical professions as required.

### **3.3 Bona Fide Occupational Requirements**

- 3.3.1 Where a Bona Fide Requirement is, on a balance of probabilities, adopted for a rational purpose connected to the performance of the job or the provision of the service, in an honest and good faith belief that it was necessary to the fulfillment of the job or service, and is reasonable and necessary to the fulfillment of the job or service, an Accommodation Request will not be granted to remove or alter the occupational requirement.
- 3.3.2 A Bona Fide Requirement must be approved by the Dean or Director of the Employee's Faculty/School or department before using the Bona Fide Requirement to deny an Accommodation Request.
- 3.3.3 The Dean or Director of a Faculty/School or department may approve a Bona Fide Requirement:
- 3.5.3.1 on application by a Manager; or
  - 3.5.3.2 during a separate course-specific process as determined by the Dean or Director.

## **4.0 RELATED POLICIES, PROCEDURES, FORMS AND OTHER DOCUMENTS**

- Human Rights and Accessibility Policy
- Accommodation Request Form
- MacEwan Physician's Assessment Form

## **5.0 ACCOUNTABILITY**

**Responsible Office**  
Human Resources

## **6.0 HISTORY**

### **Relevant Dates**

Approved: **19.12.12**  
Effective: **20.06.18**  
Next Review: **25.06**

### **Modification History**

**19.12.12:** New Procedure. Approved by President's Policy Committee on December 12, 2019. Effective upon final approval of the Human Rights and Accessibility Policy by the Board of Governors on June 18, 2020.