

	POLICY Number: 7311-30-018 Title: Duty To Accommodate
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OVERVIEW

Recognizing that a productive and healthy workforce is key to the delivery of outstanding health services, Saskatoon Health Region (SHR) is committed to the provision of accommodation, to the point of undue hardship, for employees who have restrictions preventing them from performing their regularly assigned duties based upon applicable human rights law.

SHR recognizes that the interests of both the employer and employees are best served when employees are able to engage in purposeful work.

The accommodation process is a collaborative process used to explore suitable options that enable employees to perform purposeful work more fully to the extent of their abilities.

DEFINITIONS

Accommodation means any change or adjustment to a job or work environment that enables an employee to perform meaningful work in a temporary or permanent capacity, up to the point of undue hardship for the employer. An accommodation may include but is not limited to:

- **Graduated Return To Work:** An employee is expected to return to full duties/hours but lacks initial endurance which requires a gradual return to their position. A graduated return to work in hours and/or duties until they have reached maximum medical improvement or pre-disability levels.
- **Modified Duties:** A modification of pre-disability duties and/or meaningful work to fit within an employee's current medical restrictions (e.g. employee may only lift to a specific height or up to a specific weight).
- **Job Re-bundling:** Job re-bundling does not alter the core functions of a job, but may entail re-assigning marginal functions of the employee's current job. The employee may receive marginal functions of another job in keeping within their restrictions.
- **Modifying Work Schedules:** A modification or change to work hours to accommodate the employee's needs.
- **Acquiring or Modifying Equipment:** The acquisition or modification of equipment, devices to aid an employee in performing their pre-disability position based on medical needs (e.g. a headset for someone with shoulder problems, computer software to enlarge documents for someone with a vision impairment).

- **Ergonomic Assessment:** An assessment of an employee's workspace to ensure their office equipment is appropriate/safe for an employee's needs.
- **Reassignments and Alternate Jobs:** An employee, in need of a temporary or permanent accommodation may need a job reassignment or placement in an alternate job (e.g. normally works a physical job and needs something sedentary while completing treatment or may have permanent restrictions).
- **Temporary Accommodation:** A temporary change in work structure or a return to work plan with a defined review date.
- **Permanent Accommodation:** It has been identified by the medical practitioner the Employee has reached maximum medical improvement and the limitations and restrictions are expected to be lasting.

Disability means any degree of physical disability, infirmity, malformation or disfigurement. Includes but is not limited to the following:

- Epilepsy
- any degree of paralysis
- amputation
- lack of physical co-ordination
- blindness or visual impediment
- deafness or hearing impediment
- muteness or speech impediment
- physical reliance on a service animal, wheelchair or other remedial appliance or device; or
- an intellectual disability or impairment
- a learning disability or dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language; or
- mental disorder¹

Employee means SHR and affiliate employee(s).

Job Information Worksheet

A detailed, ergonomically measured breakdown of normal physical/mental requirements of the employee's classification to perform specific movements and/or tasks. This is then provided to the employee's medical practitioner to determine an employee's capacity to perform said movements/tasks

Medical Practitioners means physicians and other health care disciplines licensed to practice in Canada. This could include but is not limited to: Nurse Practitioner, Audiologist, Chiropractors, Dentist, Exercise Therapist, Occupational Therapist, Optometrist, Physical Therapist, and Psychologist.

Medical Accommodation means an employee provides objective medical information from their medical practitioners which outlines specific limitations and restrictions associated to the employee's ability to perform their full scope of job duties.

Non-Medical Accommodation means an employee provides information which supports the need to have their job requirements altered for non-medical reasons covered under the Saskatchewan Human Rights Commission, such as religion or family status.

Undue Hardship means an unbearable financial cost, or a considerable disruption to business, or an interference with the rights of others.² The following factors should be considered in determining undue hardship:

- Risk to patient care and safety;

¹ Saskatchewan Human Rights Code, Section 2.1.d.1.i

² Saskatchewan Human Rights Code

- Disruption of collective agreement provisions and impact on the rights of employees;
- Significant adverse effect on employee health, safety, or morale;
- Financial burden on the employer;
- Size of the employer's operation;
- Interchangeability of the workforce and facilities; and/or,
- The legitimate operational requirements of a workplace

Work Observation means a situation where an employee spends 3-4 hours observing a potential new job opportunity within a new unit. The purpose of the work observation is to evaluate the appropriateness of the potential job as it relates to the employees; limitations, restrictions, skills and abilities.

Work Experience means an employee is set up into a new job opportunity as part of the accommodation process and the employer and employee assess the suitability and fit of the position by providing hands on work over a period of time. The employee is expected to be completing the duties of this position during the work experience.

1. PURPOSE

The purpose of this policy is:

- 1.1 To establish SHR's commitment to support employee rehabilitation by providing work that can be performed safely and effectively.
- 1.2 To ensure employees are accommodated in a safe and timely manner.
- 1.3 To continue to utilize employees knowledge and skills in the workplace, while they are unable to perform all of their regular job duties due to disability.

2. PRINCIPLES

- 2.1 **Access** Building accommodation into workplace standards, systems and processes ensures all employees have equal access to the services and programs available.
- 2.2 **Consistency** Consistent administration of the accommodation process across the Region occurs to ensure fair and equitable application.
- 2.3 **Collaboration** Employees, union, and management work collaboratively to identify challenges and opportunities for accommodations.
- 2.4 **Confidentiality** An individual's right to privacy and confidentiality will be respected through the accommodation process.
- 2.5 **Defined Roles** The roles and responsibilities for all participants are clearly defined.
- 2.6 **Communication** Open communication that fosters trust and mutual respect is integral to the accommodation process.
- 2.7 **Ability** All stakeholders work towards a goal that focuses on the employee's abilities and recognizes restrictions.
- 2.8 **Collective Agreement/Legislation** The accommodation process works in concert with applicable provisions of the collective agreements and legislative requirements.

- 2.9 Individualized Plan** Individualized plans are developed with the primary goal of providing an accommodation that enables employees to perform to the full extent of their abilities.
- 2.10 Monitoring** On-going monitoring of individualized plans ensures timely updates, where applicable.

3. POLICY

- 3.1** SHR is committed to the provision of accommodation for employees who have limitations/restrictions preventing them from performing their regular assigned duties, to the point of undue hardship.
- 3.2** SHR will provide an accommodation when objectively supported, to all employees who are temporarily or permanently unable to return to their regular duties for either medical or non-medical reasons up to the point of undue hardship for the employer.
- 3.3** All documents relating to a specific request for accommodation shall be kept confidential and shall only be disclosed with the consent of the employee excluding an individual's limitations and restrictions.

4. ROLES AND RESPONSIBILITIES

4.1 Employees requiring accommodation

- 4.1.1 Inform the Manager about the need for accommodation.
- 4.1.2 Provide detailed information to the Accommodation Consultant about the request for an accommodation.
- 4.1.3 Supply to the Accommodation Consultant objective information from a qualified practitioner (if a medically based accommodation is requested) to verify the accommodation request outlining the specific limitations and restrictions to support the accommodation request.
- 4.1.4 Actively participate in any discussions regarding possible accommodation solutions, listen to and consider any accommodation options, and, if an in-scope employee, consult with union representation regarding the proposed options.
- 4.1.5 Cooperate with the accommodation process and achieve the agreed-upon job performance standards once accommodation is provided.
- 4.1.6 Provide medical updates as requested from the employer.
- 4.1.7 Supply the employer with objective documentation if the need to accommodate changes.
- 4.1.8 At the identified review date on the formalized *Accommodation Form*, provide updated medical to the Accommodation Consultant to determine if any changes are required to the accommodation.

4.2 Occupational Health and Safety Consultants

- 4.2.1 Provide ergonomic/environmental assessments when requested as part of the accommodation process.
- 4.2.2 Make recommendations around corrective action including modifying equipment, ergonomic equipment which may assist the employee to remain or return to the workplace as part of the accommodation process.
- 4.2.3 Participate in any discussions regarding possible accommodation solutions when requested.
- 4.2.4 Participate in the accommodation process in a timely manner when involvement is required.

4.3 All Staff

- 4.3.1 Engage in creating a supportive work environment accepting of individuals requiring accommodation.
- 4.3.2 Be understanding and supportive of their co-workers limitations and restrictions to ensure safe working environments.

4.4 Directors/Managers/Supervisors

- 4.4.1 Once a request for an accommodation is received, a referral to the Accommodation Consultant will be made through the Client Service Specialist initiating a Service Team request.
- 4.4.2 Participate in discussions regarding accommodation options with the employee.
- 4.4.3 Provide feedback to the employee and Accommodation Consultant during the accommodation process as required.
- 4.4.4 Provide feedback to the employee and Accommodation Consultant following a work observation as to the suitability of the position.
- 4.4.5 Communicate with the Accommodation Consultant as to whether a work experience is appropriate for the employee requiring an accommodation in their area.
- 4.4.6 Participate in identifying possible ways to accommodate an employee's limitations and/or restrictions.
- 4.4.7 Outline any additional recertification an employee may require as part of the accommodation process, such as, but not limited to: Transfer Lift Reposition (TLR), Safe Moves or Nursing Orientation.
- 4.4.8 In the event that a change in the agreed to accommodation is required, participate in the review and revision of the formalized accommodation with the appropriate parties.
- 4.4.9 Cooperate with the accommodation process in a timely manner.
- 4.4.10 Provide initial arguments to the accommodation consultant in the event that the department is unable to accommodate an employee. Participate in follow up discussions with the accommodation consultant to ensure that the criteria for unable to accommodate/undue hardship has been met.
- 4.4.11 Complete HR Portal Transfer Form when the accommodation is permanent if the employee's guaranteed hours are reduced or job status is changed.
- 4.4.12 Deal with competency/performance issues separately from the accommodation.
- 4.4.13 In the event an employee is participating in a work observation or work experience, the hours worked will be recorded on the home department work records.
- 4.4.14 In consultation with the Accommodation Consultant, complete and review the *Job Information Worksheet* with the employee. Review the *Job Safety Analysis and Performance Standards* with the employee.
- 4.4.15 Ensure that modified duties lists are available and maintained for the positions within the department.

4.5 Accommodation Consultant

- 4.5.1 Receive and review an employee's request for an accommodation.
- 4.5.2 Review medical information submitted by the employee for medical accommodations.
- 4.5.3 Review supporting documentation submitted by the employee for non-medical accommodations.
- 4.5.4 Prepare clarification letters, as required, for the employee to provide to their practitioner.

- 4.5.5 In collaboration with the Manager, review an employee's limitations and restrictions to determine the tasks an employee can and cannot perform during the course of an accommodation
- 4.5.6 Email communication to all parties regarding the restrictions and limitations.
- 4.5.7 Contact Managers to discuss the suitability of the vacancy being held, as identified by the Employment Consultant, as part of the accommodation process.
- 4.5.8 Meet with pertinent stakeholders to work through the accommodation process.
- 4.5.9 Manage all medical documentation submitted to Employee Wellness and Accommodations.
- 4.5.10 Take the lead role in coordinating the accommodation process.
- 4.5.11 Ensure process is in accordance with the provisions of the collective agreement, employment contracts and legislative requirements.
- 4.5.12 Take the lead role in providing direction regarding unable to accommodate and undue hardship decisions based upon Human Rights decisions and case law.
- 4.5.13 Cooperate with accommodation requests in a timely manner.
- 4.5.14 Maintain documentation for all formalized accommodations related to all types of accommodations.
- 4.5.15 Monitor review dates for all formalized accommodations, requesting updates as necessary.
- 4.5.16 Assist Managers in preparing modified duties lists to be used in the accommodation process.
- 4.5.17 Communicate with Workforce Planning to ensure seniority accrual adjustments are revised as outlined in the formalized accommodation documentation.
- 4.5.18 Communicate with Managers within 24 hours when a posting has been flagged for a potential accommodation.
- 4.5.19 Communicate with Employment Services if the employee is unable to be accommodated within their current classification, for a review of their qualifications (education, skills, abilities, knowledge, etc.)

4.6 Employment Consultant

- 4.6.1 Contact the employee to obtain resume and pertinent information related to job search.
- 4.6.2 Identify all potential occupations related to the employee's experience, skills, and abilities, in addition to their education and training.
- 4.6.3 For the identified occupations, note the positions that are presently vacant.
- 4.6.4 Collaborate with the Accommodation Consultant and Union regarding qualifications and job requirements being waived for positions flagged as accommodations.
- 4.6.5 Collaborate with the Accommodation Consultant and employee to identify alternate employment options if no appropriate vacancies.
- 4.6.6 Cooperate with the accommodation request in a timely manner.
- 4.6.7 If the employee transfers to a different department, the Employment Consultant will advise the new Manager to complete a transfer portal.
- 4.6.8 Generate a new letter of employment.

5. POLICY MANAGEMENT

The management of this policy including policy education, monitoring and implementation is the responsibility of the Manager, Employee Wellness and Accommodations. Amendment is the responsibility of Director, Safety and Wellness.

6. NON-COMPLIANCE/BREACH

Non-compliance with this policy may result disciplinary action up to and including termination of employment. Non-compliance may also result in a delay in returning to work.

7. REFERENCES

Collective Bargaining Agreements

Saskatchewan Human Rights Code

The Health Information and Protection Act, Saskatchewan

The Saskatchewan Employment Act, Saskatchewan

PROCEDURE

Number: 7311-30-018

Title: Duty To Accommodate

Authorization

President and CEO
 Vice President, Finance and Corporate Services

Source: Director, Safety and Wellness
Cross Index:
Date Approved: September 21, 2011
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Date Reaffirmed:
Scope: SHR and Affiliates

1. PURPOSE

The purpose of this procedure is to establish the process for duty to accommodate situations as well as:

- 1.1 Ensure the accommodation process provides a safe working environment for the accommodated employee and others around them.
- 1.2 Communicate the principal steps necessary for providing accommodation in the workplace.
- 1.3 Provide a process that ensures a consistent, fair and equitable approach is taken when providing an accommodation.

2. PRINCIPLE

The accommodation process is a collaborative process used to explore options that enable employees to perform meaningful work to the full extent of their abilities to the point of undue hardship for the employer.

3. PROCEDURE

Steps In The Duty To Accommodate Process

- 3.1 A referral is made to the Accommodation Consultant via:
 - 3.1.1 Employee or union notifies the Manager of a need for a temporary or permanent workplace accommodation.
Or
 - 3.1.2 A graduated return to work plan becomes stagnant or permanent limitations and restrictions are identified to the Accommodation Consultant.
Or
 - 3.1.3 The Manager has concerns regarding an employee's ability to safely complete the job duties or has noticed changes in behaviour which are limiting the employee's ability to complete their job duties.
- 3.2 The Manager contacts the Client Service Specialist to initiate an accommodation service request.
- 3.3 The Client Service Specialist advises the assigned Accommodation Consultant to contact the Manager to review the accommodation request and process.

- 3.3.1 The Accommodation Consultant contacts the employee and reviews with them the accommodation request, the accommodation process, and the information required to move forward. This may include, but not limited to: the medical information required for employee accommodation form; job information worksheet; or medical capacity form.
- 3.3.2 The employee completes the *Employee Request for an Accommodation Form* and returns it to the Accommodation Consultant, within two weeks after receiving the form.
- 3.3.3 The Accommodation Consultant reviews the *Employee Request for an Accommodation Form* and then forwards the *Medical Information Required for an Accommodation Form* and *Job Information Worksheet* (when necessary) to the employee to have their medical practitioner complete. Once completed, the employee will return this information to the Accommodation Consultant.
- 3.3.4 For non-medical accommodations, the employee will be required to submit to the Accommodation Consultant appropriate supporting documentation.
- 3.3.5 The Accommodation Consultant notifies the Union the employee has put forward a request for an accommodation.
- 3.3.6 The Accommodation Consultant verifies limitations and restrictions based upon supported material/objective medical and obtains any necessary information related to the limitation/restriction.
- 3.3.7 If clarification on the medical is required, a request will be made to the employee by the Accommodation Consultant to assist with obtaining the clarification from the medical practitioner. This information is needed by the employer to fulfill its obligation of accommodation. If clarification has been requested and is not provided, Accommodation Consultant will notify the Manager and Union. Labour Relations may be involved to follow up with non-compliance.
- 3.3.8 The Accommodation Consultant discusses the verified limitations and restrictions with Manager as well as the Union. If mutually agreed by Manager, Union and Accommodation Consultant, the Manager should begin accommodating the employee prior to formal accommodation meeting taking place.
- 3.3.9 The assigned Accommodation Consultant manages the accommodation process in collaboration with the employee, the Union, the applicable Manager(s), along with Employment Consultant as required.
- 3.3.10 Once verified limitations and restrictions are reviewed the Accommodation Consultant will coordinate a meeting to proceed with the accommodation process.
- 3.3.11 Discussions will follow the 'hierarchy of employment' (see below) or the applicable collective agreement language if different from the hierarchy of employment.
- 3.3.12 Included in the discussions will be the maintenance of employee benefit entitlements and reporting mechanisms of same.
- 3.3.13 Agenda items include, but are not limited to, employee employment status both during and after a return to work/duty to accommodate period and benefit requirements for eligibility under the terms of the plans.
- 3.3.14 Participants include but are not limited to: Accommodation Consultant, Manager, employee, Union and Employment Consultants. Participants will be invited as each individual situation dictates.

SEIU/HSAS Hierarchy of Employment

- Into the employee's existing position;
- Into the employee's existing position, with modified and/or bundled duties;
- Into the employee's existing classification in another position;

- Into the employee's existing classification in another position, with modified and/or bundled duties;
- Into another classification within the employee's bargaining unit;
- Into another classification within the employee's bargaining unit with modified and/or bundled duties;
- Failing all of the above, consideration shall be given to classifications outside the employee's bargaining unit.

SUN Hierarchy of Employment

- Own position with or without modifications;
- Other positions with the same union affiliation in the same workplace or facility/agencies, including affiliates;
- Continue to research other positions with the same union affiliations within facilities/agency in the same Health Region;
- Other positions with a different union affiliation in the same workplace, or facility/agency within the same Health Region;
- Positions out of scope within the same Health Region.

Out of Scope Hierarchy of Employment

- Into the employee's existing position;
- Into the employee's existing position, with modified and/or bundled duties;
- Into the employee's existing classification in another position;
- Into the employee's existing classification in another position, with modified and/or bundled duties;
- Into another classification;
- Into another classification with modified and/or bundled duties.

3.4 Temporary Accommodation:

If the employee is **able** to be accommodated in their own job:

- All parties (Manager, employee, Union, Accommodation Consultant) participate in an accommodation meeting to discuss the accommodation parameters. The participants are identified in advance dependent on the situation;
- Accommodation parameters are clearly outlined on the accommodation documentation as discussed at meeting;
- Manager signs the *Accommodation Form*, formalizing the accommodation;
- Copy of the *Accommodation Form* is provided to the appropriate parties;
- Medical documentation must be provided to support the withdrawal or change to an accommodation request.

If the employee **not able** to be accommodated in their job/department:

- Accommodation Consultant makes a referral to the Employment Consultant for assistance in identifying alternate employment options for the employee;
- Further discussion with Manager, employee, Union, Employment Consultant and Accommodation Consultation to discuss the situation and next steps;
- Parties to work through hierarchy as outlined above or if different applicable collective agreement language.

3.5 Permanent Accommodation:

If the employee is **able** to be accommodated in their own job:

- All parties (Manager, employee, Union, Accommodation Consultant) participate in an accommodation meeting to discuss accommodation parameters identified on the accommodation documentation discussed at the meeting.

- The Accommodation Consultant will coordinate the review of a permanent accommodation at a minimum of every three years from the date of formalization, or if there is a change in the circumstance of the original accommodation.
- The review date will be identified on the *Work Accommodation Form*.
- Manager signs the accommodation documentation, formalizing the accommodation.
- Copy of the accommodation documentation is provided to the appropriate parties.
- Appropriate medical documentation must be provided to support the withdrawal of, or change to, a formalized accommodation.
- In the case where an employee's accommodation requires their Full Time Employee to be reduced on a permanent basis, the Accommodation Consultation communicates this to the Manager and to the Employment Consultant.
- The Manager is required to complete a transfer portal to permanently reduce the employee's hours and make explanatory comments in the comments section of the Portal. For example: 'The employee's seniority would continue to accrue at the rate of their previous guaranteed Full Time Employee hours.'
- Employment Consultant will forward to the employee a new letter of employment confirming their new hours.

If the employee is **not able** to be accommodated in their job/department/affiliate:

- In collaboration, the Manager and Accommodation Consultant complete the *unable to accommodate* form and discuss if the threshold has been met (if required). Further discussions, if necessary, regarding unable to accommodate situations, may be discussed with the Manager, Employee Wellness & Accommodation, and/or legal counsel.
- Accommodation Consultant completes *Referral to Employment Form*.
- The Accommodation Consultant and Employment Consultant meet to review the employee's medical restrictions and the Employment Consultant will contact the employee to get an updated resume or at a minimum a list of their education/credentials and work experience.
- Meeting with Manager, employee, Union, Employment Consultant and Accommodation Consultant to discuss next steps.

- 3.6** Prior to a meeting with all parties, the Employment Consultant and Accommodation Consultant will discuss options.
- 3.7** The Employment Consultant and Accommodation Consultant identify a list of potential positions that the employee may be qualified, suited for and have sufficient abilities to complete.
- 3.8** The Employment Consultant provides the necessary job descriptions and the Accommodation Consultant provides the appropriate *Job Information Worksheets* or *Safety Plan*. Together, they identify potential positions which maximize the employee's skills, capabilities, and meet their medical limitations/restrictions, while following the hierarchy of employment.
- 3.9** These positions are brought to the accommodation meeting with the employee, Union, Employment Consultant and Accommodation Consultant as a starting point for discussion with all parties. Employment Consultant identifies positions which meet the employee's skills and abilities which best match their present letter of employment.

- 3.10** The Accommodation Consultant coordinates a meeting with the employee, Union, and Employment Consultant if required, to determine direction and potential positions suitable for accommodation.
- 3.11** A work observation may be considered if there are questions around an employee's ability/suitability to complete the job demands. If a work observation is required, the Accommodation Consultant will notify the Union accordingly.
- 3.12** Accommodation Consultant contacts the Manager(s) to facilitate the work observation and establishes times and dates, if determined it is necessary. Accommodation Consultant contacts the employee's current Manager or the Insurer (if applicable) to make arrangements around paying for the work observation.
- 3.13** Accommodation Consultant coordinates meeting with employee, Union and Manager (in work observation area) on the first day of the work observation, to ensure everyone clearly understands their role in the work observation. Consider in-service for other staff in department.
- 3.14** Employee and Manager in the work observation department complete the *Work Observation Status Report(s)* and return it to the Accommodation Consultant.
- 3.15** Accommodation Consultant coordinates follow-up discussion with employee, Union and Manager (in work observation area) to discuss the suitability of employee to work area.
- **If observation(s) suitable**
 - If work observation is successful and a vacancy becomes available, the Manager interviews the employee and completes reference checks. Manager also reviews *Performance Standards, Job Safety Analysis* and *Job Information Worksheet* with employee.
 - **If the observation(s) are unsuitable**
 - Accommodation Consultant reconvenes all parties involved to continue to re-look at potential alternatives of accommodation.
 - The Accommodation Consultant and the Employment Consultant will together to review the positions identified and based on what has been learned from the work observation outcome, identify positions or look at re-bundling positions that meet the employee's skills, abilities, medical limitations and restrictions.
- 3.16** When a vacancy occurs:
- 3.16.1 A task will be assigned to all Employee Wellness and Accommodations staff regarding an upcoming posting for review.
- 3.16.2 The Employee Wellness and Accommodations Coordinator reviews employees that are having positions flagged for them and sends information to the appropriate Accommodation Consultant for follow up.
- 3.16.3 Accommodation Consultant reviews position information for preliminary review of whether the limitations and restrictions can be accommodated
- 3.16.4 If there appears to be a potential fit, the Accommodation Consultant will contact the manager responsible for the posting to discuss in further detail the physical demands of the job.
- 3.16.5 If the Manager believes that the employee can be accommodated safely within this position, an interview shall be arranged.

- 3.16.6 Provided the employee's interview was successful in that the employee possesses the qualifications, has sufficient ability to perform the duties and responsibilities of the positions and references checks support the employee's suitability for the position, the Accommodation Consultant will contact the union to waive the posting.
- 3.16.7 If, during the trial period, it is determined that the position is not a fit due to the limitations and restrictions of the accommodation, a meeting shall occur between the Accommodation Consultant, Manager, Union, and employee to discuss if this position will continue.

3.17 If an employee refuses a position that meets their medical or non-medical limitations and restrictions, the employer may have met their duty to accommodate. If due diligence is met and the position is not accepted, a meeting coordinated by the Accommodation Consultant with employee, Union, Manager, Accommodation Consultant and Employment Consultant will occur to outline next steps which may include termination or resignation of employee.

3.18 If the employer is unable to identify alternate employment opportunities for the employee, the employer will outline the Undue Hardship for the employer and provide this to the Union and employee. A meeting will be held with the employee, Accommodation Consultant, Employment Consultant, Union, Manager and additional parties as necessary to discuss the next steps.

4. ROLES AND RESPONSIBILITIES

4.1 Union Representative (regarding in-scope employees)

- 4.1.1 Support their members.
- 4.1.2 Ensure process is in accordance with collective agreement provisions, employment contract and legislative requirements or consider waiving applicable provisions as per Union protocol.
- 4.1.3 Assist in identifying options to support the accommodation process.
- 4.1.4 Educate members on the accommodation process.
- 4.1.5 Be an active participant in the accommodation discussions.
- 4.1.6 Cooperate with the accommodation request in a timely manner.

5. PROCEDURE MANAGEMENT

The management of this process including process education, monitoring and implementation is the responsibility of the Manager, Employee Wellness and Accommodation. Amendment is the responsibility of Director, Safety and Wellness.

6. NON-COMPLIANCE/BREACH

Non-compliance with this procedure may result in disciplinary action up to and including termination of employment. Non-compliance may also result in a delay in returning to work.

7. REFERENCES

Collective Bargaining Agreements
Saskatchewan Human Rights Code
The Health Information and Protection Act, Saskatchewan
The Saskatchewan Employment Act, Saskatchewan