

**University of Guelph and CUPE 3913
Accommodation Partnership Program
June 2012**

The University is committed to the implementation of early intervention for those Employees with disabilities upon their entering the University's workforce and Employees who experience occupational and non-occupational illness or disabilities while in the workforce. The health, wellness and accommodation of Employees with disabilities are principal values of the University which are supported by the *Workplace Safety and Insurance Act* as well as the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act*. The goal of the Accommodation Partnership Program is to promote a collaborative approach in assisting Employees to enter the workforce, remain at work, or return to work in an early and safe manner.

The University of Guelph is dedicated to achieving employment equity for persons with disabilities and to achieving positive workplace health and safety objectives by accommodating the needs of Employees with disabilities within a supportive environment.

Definitions:

- ***Disability (Ontario Human Rights Code):***
 - (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
 - (b) a condition of mental impairment or a developmental disability,
 - (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - (d) a mental disorder, or
 - (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

- ***Accommodation:*** Services, design and adaptations or adjustments of the work environment that enables people with disabilities to compete for jobs and perform all employment activities. Employment accommodation includes and integrates people with disabilities into the work force in ways that respect their dignity and self worth.

- ***Accommodation Plan:*** an accommodation strategy designed for an Employee with a disability that considers their abilities and facilitates a work environment in which they can perform their assigned duties.

- **Employee:** All Teaching Assistants, Graduate Service Assistants and Sessional Lecturers employed by the University and as defined, where applicable, in the Collective Agreements or Contracts between the Parties.
- **FASR:** Faculty and Academic Staff Relations
- **CUPE 3913:** The Canadian Union of Public Employees Local 3913
- **Return to Work Plan:** an accommodation strategy designed to help an Employee who was off of work due to illness or disability transition into employment duties.

Program Objectives

The objectives of the Accommodation Partnership Program are:

1. To maintain a sense of confidence and dignity for Employees with disabilities and to promote an environment of support for the Employee's participation.
2. To support the employment of persons with disabilities within the University through proactively addressing their accommodation, including workplace modifications, wherever possible, before the commencement of their service.
3. To support Employees with disabilities to remain at work or to provide an early and safe return to work so that they can work to their full potential as soon as possible.
4. To provide modified work for Employees with disabilities that is both safe and meaningful. In support of the Employee's recovery, the work provided will not expose the Employee to conditions which might aggravate the original injury or illness.
5. To ensure compliance with the standards outlined in the *Workplace Safety and Insurance Act*, the *Ontario Human Rights Code*, and the *Accessibility for Ontarians with Disabilities Act*.
6. Comply with Employee agreements, in a manner that is consistent with the provisions of the *Ontario Human Rights Code*.

Program Guidelines

The Accommodation Partnership Program is designed to assist Employees with both work related and non-work related medical conditions/disabilities to enter or remain at work or return to work in an early and safe manner. Each partner, (which includes the Chair/Director, Occupational Health & Wellness, the Employee, CUPE 3913, co-workers, TAs, GSAs, Sessional Lecturers, as well as Faculty and Academic Staff Relations) has a role in the Accommodation Partnership Program. Each partner has legislated responsibilities in the accommodation process under the *Workplace Safety and Insurance Act*, the *Ontario Human Rights Code* and the *Accessibility for Ontarians with*

Disabilities Act. The roles and responsibilities section of the Program Guidelines are intended to help partners identify and meet their respective obligations.

The Program Guidelines also provide a framework for the development of an accommodation plan and monitoring of that plan. Each person's needs are unique and therefore require unique solutions.

Early disability disclosure and accommodation will help to ensure Employees with disabilities are able to work effectively in their environment. An Employee needs to provide medical documentation to Occupational Health & Wellness as to restrictions and potential accommodation requirements. Once a disability is disclosed and medical documentation received, the other partners, focusing on the restrictions provided will collaborate to develop a plan for accommodation with the Employee and carry out follow up.

All medical information received by Occupational Health & Wellness will be treated as confidential and will not be released without the specific written authorization of the Employee in question. Only the recommended restrictions and functional abilities will be shared with the workplace parties/partners on a need to know basis in the development of an appropriate accommodation plan.

Roles and Responsibilities:

The goal of providing accommodation tailored to each Employee's specific needs is more readily achieved with a collaborative effort. Therefore, the following responsibilities are important elements in regards to a successful return to work/ accommodation program:

1. Employee

- If an Employee is requesting accommodation, they will, as soon as possible, and only to the extent necessary, report an illness or a disability to Occupational Health & Wellness to the extent necessary to identify accommodation needs¹;
- Provides information regarding relevant restrictions or functional limitations, including information from health care professionals, where appropriate and as needed by Occupational Health;
- If Occupational Health needs more information, Occupational Health can submit written requests to the Employee (who may choose to also forward them to CUPE 3913), and if the Employee agrees that the requests are appropriate, he/she can put those requests to his/her medical practitioner or authorize his/her practitioner to talk to Occupational Health and Wellness;
- Co-operates with any experts whose assistance is required to manage the accommodation process;

¹In the case of a work related injury this must be reported directly to the Chair/Directors soon as it is known. If an injury is reported to a Sessional Lecturer, they should refer the matter to the Department Chair/Director. The Chair/Director will initiate the appropriate reporting to Occupational Health & Wellness.

- Participates in the development, implementation and evaluation of the return to work/accommodation plan, including regular follow-up with Occupational Health & Wellness;
- Promptly communicates to the Chair/Director and to Occupational Health & Wellness when there is a change in status (e.g., medical status; functional abilities, etc.);
- Promptly seeks medical attention as indicated and follows the restrictions recommended by his/her treating practitioner;
- Works within recommended capabilities and precautions as set out in the accommodation plan.

2. Chair/Director

- Promptly notifies Occupational Health & Wellness of any reported illness or disability that might require accommodation;
- Participates fully in the development, implementation and evaluation of the accommodation plan;
- Provides a supportive environment for the Employee and his/her peers/co-workers;
- Provides input regarding Employee's role and potential modified duties;
- Attends follow-up meetings.

3. Occupational Health & Wellness

- Manages and maintains all accommodation, documentation and medical records.
- Obtains, clarifies and evaluates medical information to the extent permitted by the relevant collective agreement/contract and with the consent of the Employee where required;
- Obtains expert opinion(s) or advice when needed to the extent permitted by the relevant collective agreement/contract and with the consent of the Employee where required;
- Communicates with medical professionals in obtaining work restrictions to the extent permitted by the relevant collective agreement and with the consent of the Employee where required;
- Arranges for assessments, supports or workplace modifications;
- Liaises with Chairs/Directors, FASR, CUPE 3913, WSIB/Insurer in the development, implementation and evaluation of a return to work/accommodation plan;
- Monitors the Employee within the modified work and/or accommodation program and recommends changes as appropriate;
- Provides support and follow-up for the Employee through the return to work/accommodation process;
- Maintains communication with all parties including the Employee, CUPE 3913, FASR, treating professional and WSIB/Benefit Provider;
- Reviews progress of treatment plan and return to work goals.

4. CUPE 3913

- Provides support to Employee throughout process;
- Provide information regarding the collective agreement, health and safety legislation and the duty to accommodate under the *Ontario Human Rights Code*.
- Participates in the development, implementation and evaluation of the return to work and other accommodation plans;
- May assist in job placement for Employees with temporary or permanent restrictions;
- Assist the Employee with conflict resolution and effective communication with the organization;
- May assist with insurance claims appeals, if applicable.

5. Other Employees

- Employees must cooperate in the implementation of the accommodation as required by law.

6. Faculty and Academic Staff Relations

- Provides support and advice to Chairs/Directors in exploring alternative work arrangements for Employees;
- Liaises with the CUPE 3913 when necessary;
- Participates in the placement of Employees who can no longer perform the essential duties of their job;
- For Employees that are unable to be accommodated within the current work unit, explores alternative short-term work accommodation possible or available outside current work unit.

Development of Accommodation Plan

If an Employee is seeking accommodation, the Employee should promptly report an illness or a disability² to Occupational Health & Wellness to identify accommodation needs. He or she should also provide information regarding relevant functional abilities and restrictions, only to the extent necessary to implement an accommodation, including information from health care professionals, where appropriate and as needed by Occupational Health. Upon receiving this notification, Occupational Health will contact the Employee with a disability:

- 1) as soon as possible after an injury;
- 2) as soon as possible after notification of the Employee's medical absence;
- 3) as soon as possible after notification of the hiring of an Employee with a disability;

² In the case of a work related injury this must be reported directly to the Chair/Director as soon as it is known. Should an injury be reported to a Sessional Lecturer, the matter should be referred to the Department Chair/Director. The Chair/Director will initiate the appropriate reporting to Occupational Health & Wellness.

- 4) as soon as possible after notification that an Employee with a disability requires accommodation and will maintain communication with the Employee and the person to whom they report. Based on the medical documentation and/or information about functional abilities provided, an individualized plan will be developed that could include the following elements: program goals; time frames; abilities and restrictions; appropriate assessments, e.g. ergonomic assessments, modified hours and duties where appropriate; supportive measures and program review dates. Normally, the Employee's Chair/Director and Occupational Health & Wellness (and other partners, where required) will collaborate to implement the accommodation plan.

Ultimately accommodating an Employee in their current role is most desirable. However, this is not always possible. Below is a hierarchy to assist in providing structure when developing individual accommodation plans.

1. Determine if the Employee can perform own job without modifications;
2. Determine if the Employee can perform own job in a modified or "rebundled" form;
3. Determine if the Employee can perform another job without modification;
4. Determine if the Employee can perform another job in a modified or "rebundled" form.

Monitoring/Review of Accommodation Plan

1. Continuous communication between all partners shall be maintained. Any concerns observed by a partner should be raised as soon as possible.
2. Where necessary, to the extent permitted by the relevant collective agreement/contract and with the consent of the Employee where required, medical information will be updated on a regular basis through follow-up with Occupational Health and the restrictions will be communicated to the department based on the medical documents.
3. Progression will be benchmarked with the Accommodation Partnership Program goals and with disability accommodation guidelines.
4. The accommodation plan will undergo regular review, where appropriate. Adjusted identified alternative supports and reassessment will be arranged as required.
5. Where progression has ceased, the accommodation plan may be stopped when:
 - (a) the Employee no longer has functional limitations;
 - (b) the disability is or becomes permanent and permanent accommodations have been established; or
 - (c) the Employee can no longer be accommodated.

Should the the Employee refuse to cooperate with reasonable attempts to accommodate, i.e. per their obligations in Section I: Employee Roles and Responsibility, Occupational Health will notify Faculty and Academic Staff Relations. FASR will then engage in discussions with the Employee and CUPE

3913. These discussions will be initiated as expeditiously as possible. The Accommodation Plan may be suspended during the period of this discussion.

6. Where the accommodation plan is stopped due to an Employee's refusal to cooperate, the Employee's status will continue to be monitored at regular intervals and consideration will be given to resume the Accommodation Partnership Program if the Employee agrees to cooperate as appropriate with the accommodation process

Documents and forms can be found at <http://www.uoguelph.ca/hr>.

Where an Employee believes that his or her request for accommodation has not been handled in accordance with these guidelines, the Employee is encouraged to FIRST contact Faculty and Academic Staff Relations, and/or CUPE 3913. In the event that the Employee continues to have concerns, the Employee may contact the Human Rights and Equity Office.

Review of Accommodation Partnership Program

A review of the Accommodation Partnership Program, lead by representatives from FASR and CUPE 3913 will be completed to ensure it remains in compliance with current legislation.

Employment Accommodation Fund

The University of Guelph is committed to creating a more accessible workplace as described in the Employment Equity Policy adopted by the University in 1990.

Other Links:

Faculty and Academic Staff Relations:

<https://www.uoguelph.ca/vpacademic/facultyrelations/>

CUPE Local 3913: www.cupe3913.on.ca

Human Rights and Equity Office: <https://www.uoguelph.ca/diversity-human-rights/>

Human Rights Policy: <https://www.uoguelph.ca/diversity-human-rights/system/files/POLICY.pdf>

Relevant Legislation:

[Workplace Safety and Insurance Act](#)

[Ontario Human Rights Code](#)

[Accessibility for Ontarians with Disabilities Act](#)