

## MODEL ACCOMMODATION POLICY

The *Saskatchewan Human Rights Code* creates a legal duty of accommodation in Saskatchewan workplaces. Where an employee has needs related to disability, religious obligation, gender or other enumerated grounds, and those needs conflict with established working conditions, the employee has the right to be provided with reasonable assistance and modification of those working conditions so that he or she may participate effectively in the workplace.

The employer has a legal responsibility to identify and implement appropriate accommodation strategies for employees whose needs fall into the protected grounds listed in the *Saskatchewan Human Rights Code*, and other employees share the obligation to assist and support those strategies. Though the duty to accommodate is not unlimited, employers and others in the workplace must be prepared to take steps to accommodate to the point of "undue hardship," a term which has been interpreted to require significant and meaningful efforts to accommodate.

The *Saskatchewan Human Rights Code* identifies the following protected grounds:

- Religion
- Creed
- Marital status
- Family status
- Sex
- Sexual orientation
- Disability
- Age
- Colour
- Ancestry
- Nationality
- Place of origin
- Race or perceived race; and
- Receipt of public assistance

### **The (FIRM'S) Commitment**

The (FIRM) is committed to ensuring equality rights in the workplace. The (FIRM) is committed to assessing and addressing the legitimate accommodation needs of employees. Accommodation issues can be successfully identified, assessed and addressed only where all parties are meeting the expectations and responsibilities outlined in this policy. Successfully accommodating initiatives require the co-operation of and a consultative approach by management, the employee seeking accommodation, the workplace community and attending medical practitioners where required.

The objective of this policy is to facilitate the identification and resolution of accommodation issues that arise out of the following circumstances:

- (i) needs attending a condition of disability which conflict with employment obligations;
- (ii) needs arising out of a protected ground under the *Saskatchewan Human Rights Code*, which conflict with employment obligations.

It is understood that the employer's ability to identify, properly assess and implement appropriate accommodation initiatives is dependent on the support and input of all of the parties as outlined herein.

## **Employee Responsibilities**

### **Obligation to Communicate Need**

Employees have an obligation to promptly advise management or human resources of any condition of disability or need related to any other protected ground that conflicts with the employee's abilities to either provide regular work attendance, perform regular duties or comply with other terms and conditions of employment.

### **Obligation to Provide Information (Medical or Other)**

Where a potential accommodation issue has been identified, the employee seeking accommodation is responsible for promptly responding to all reasonable and relevant employer requests for information in order to assess or pursue accommodation initiatives. This may involve providing consent to a medical practitioner to release to the employer relevant medical information regarding the required accommodation. Further, the attending medical advisor of an employee facing an accommodation issue in the workplace must provide full co-operation and support.

### **Obligation to Facilitate Accommodation Initiative**

Any employee requiring accommodation is expected to conduct himself or herself reasonably and to provide his or her full co-operation and support to the implementation of accommodation initiatives. Employees should recognize that a failure to:

- communicate an accommodation need;
- provide all relevant information in a timely manner, and
- co-operate with the implementation of accommodation measures,

may limit the employer's ability and obligations to successfully address the employee's accommodation needs.

## **Management's Responsibilities**

1. Upon an accommodation issue being raised or communicated by an employee, management will:
  - assess and verify the existence of an accommodation need; and
  - assess and identify appropriate accommodation options.
2. Management will monitor the progress of employees who are being accommodated. Such monitoring will include requests for updated information from employees and/or attending medical advisors from time to time. Monitoring and current information will enable the employer to respond to changing needs and/or to identify when the need for accommodation ends.

## **Workplace Member's Responsibilities**

Successful accommodation requires the support and commitment of everyone in the workplace. All employees are expected to provide their assistance and support where required to facilitate accommodation initiatives. All members of the workplace have an obligation to respect the right to accommodation of any employee with a qualifying need.