

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: ACCOMMODATING EMPLOYEES WITH DISABILITIES

EFFECTIVE: February 5, 2004

1.0 SCOPE

1.1 Authority

1.1.1 Under authority of Cabinet Minute No. 04-03, dated February 5, 2004.

1.2 Application

1.2.1 This policy applies to all Yukon Government employees.

1.3 Purpose

1.3.1 The purpose of this policy is to adopt a consistent approach to meeting the needs of employees who need workplace accommodation because of a disability.

1.4 Guiding Principles

1.4.1 The Yukon Government is committed to upholding the duty to accommodate the needs of employees with disabilities, pursuant to the Yukon *Human Rights Act* in a manner that respects the dignity of employees with disabilities. Accommodation of such needs is intended to support a work environment where everyone's contributions are meaningful and productive.

1.4.2 This policy reflects the obligation of the Yukon Government to meet the accommodation needs of employees with disabilities, as well as the shared responsibility of the departments and the Public Service Commission in coordinating the services outlined herein.

- 1.4.3 This policy supports the removal of workplace barriers for disabled employees, and whenever changes are made to physical workspaces or systems, consideration is given to design choices that support the concept of “inclusion by design” – in other words, making design choices that take into account the needs of persons with disabilities.

1.5 Definitions

- 1.5.1 Employees with disabilities – All Yukon Government employees who, for employment purposes, seek accommodation because of a physical or mental disability as defined in Section 37 of the Yukon *Human Rights Act*.

2.0 *ROLES AND RESPONSIBILITIES*

2.1 Public Service Commission

- 2.1.1 The Public Service Commission plays a leadership role in ensuring the Yukon Government’s employer obligations are met by providing expertise and assistance to departments with respect to the duty to accommodate.
- 2.1.2 The Public Service Commission is responsible for developing accompanying administrative and training procedures to ensure this policy is applied consistently and fairly across the organization. Considering the broad scope of the needs of disabled employees, the procedures should establish a consistent corporate approach to responding to and tracking requests for disability accommodation as well as recording and evaluating accommodation provided.

2.2 Departments

- 2.2.1 Deputy Heads are ultimately responsible for ensuring requests for accommodation are handled in a consistent and timely manner within their departments; making final decisions with respect to requests for accommodation; and for facilitating alternate placements for employees from different departments where required.
- 2.2.2 Departments are responsible for meeting their obligations as set out in the procedures accompanying this policy. Depending on the department structure, these responsibilities may be assigned to supervisors, branch heads and/or human resource staff.
- 2.2.3 Employees’ direct supervisors have a key role to play in implementing the accommodation process.

2.2.4 All Yukon Government departments share in the duty to accommodate, pursuant to the Yukon *Human Rights Act*. This includes accommodating employees who transfer to different departments within the organization and, where appropriate, providing alternate placements in the event no suitable position is available within an employee's original department.

2.3 **Employees**

2.3.1 Employees seeking an accommodation have an obligation to notify the employer of any condition of disability that affects the employee's ability to attend regular work hours, perform regular duties, or comply with other terms and conditions of employment.

2.3.2 Employees are responsible for cooperating and participating in the accommodation process by providing medical information and any other relevant information about their limitations. (Relevant information may include, but is not limited to that provided by such health related professionals as general medical practitioner, physiotherapist, neurologist, psychologist, psychiatrist etc.)

2.3.3 Employees who require accommodation because of a disability are also responsible for following treatment and/or rehabilitation programs recommended by attending health professionals as part of the accommodation plan.

2.3.4 All Yukon government employees are expected to respect and cooperate with the accommodation process.

2.4 **Confidentiality**

2.4.1 All parties involved in the disability accommodation process have the responsibility to treat any information pertaining to an employee's accommodation request in a confidential manner, subject to such disclosure as may be required in order to implement an accommodation request.

3.0 ***ACCOMMODATION OPTIONS FOR EMPLOYEES WITH DISABILITIES***

3.1 The goal of workplace accommodation is to enable Yukon Government employees with disabilities to be productive members of the public service.

3.2 Accommodation solutions will vary and should be developed to suit the specific needs of employees with disabilities. Upon notification of an accommodation need, Departments are required to consult with employees seeking accommodation and to develop innovative options in devising accommodation plans that meet the needs of the individual employees.

3.3 Accommodation options are to be considered in the following order:

- a) Implementing changes to the physical work environment or equipment and/ or modifying how and when tasks are performed to enable the employee to remain in his/her substantive position.
- b) Modifying the employee's job duties in a manner consistent with his/her individual capabilities in order for the employee to perform the essential tasks of his/her substantive position.
- c) Exploring other available job opportunities within the employee's home department in which he/she would be capable of performing the essential tasks of the position, with or without modifications.
- d) Exploring available job opportunities in other departments in which the employee would be capable of performing the essential tasks of the position, with or without modifications.

4.0 LIMITATIONS ON THE DUTY TO ACCOMMODATE

4.1 The Yukon government recognizes its responsibility to make reasonable accommodations to meet the needs of employees with disabilities up to the point of undue hardship as defined in the Yukon *Human Rights Act*.

The criteria for determining undue hardship, within the Yukon *Human Rights Act*, include (but are not limited to) such factors as:

- i. Safety risks that may impact the employee, other employees or the public;
- ii. Disruption to the public;
- iii. Effect on contractual obligations (collective agreement);
- iv. Financial cost;
- v. Business efficiency.

4.2 The duty to accommodate an individual may be limited where a *bona fide* occupational requirement cannot be met. A *bona fide* occupational requirement must be:

- a) adopted for a purpose connected to the performance of the essential duties of the job;
- b) adopted in an honest and good faith belief that the requirement is necessary to fulfill the essential duties of the job; and
- c) necessary to the accomplishment of the essential duties of the job.

5.0 POLICY REVIEW

In consultation with departments, the Public Service Commission will conduct a review of this policy and accompanying procedures by March, 2007. The review will evaluate the effectiveness of the policy in meeting employee and department needs with respect to the duty to accommodate employees with disabilities.