

DEFINITIONS:

Duty to Accommodate – The duty to accommodate is the duty of employers to ensure that their workplaces are inclusive, free from unreasonable burdens or barriers, and allows all employees to participate fully. The employer has an obligation to reasonably accommodate employees with an injury, illness, physical or non-physical disability up to the point of undue hardship. The accommodation process is a shared responsibility by the employee, employer and union (if applicable) to meaningfully participate in the accommodation process, which includes, having meaningful dialogue about how a medical illness or injury may affect an employee’s ability to participate in their regular work activity, what supports or accommodation options could be reasonably implemented, consulting with professionals as needed and to work together towards a successful return to the workplace. Employees requiring accommodations must always be treated with dignity and respect.

Reasonable Accommodation – Means to offer an adjustment to how things are usually done at little or no expense, such as adjusting a rule, policy, practice, or a physical space to allow changes to the ways things are usually done. Accommodation requires a balance between the rights of an employee and the right of an employer to operate a productive workplace. Based on the Human Rights Code a workplace accommodation is reasonable if it:

- Is required for an employee to carry out workplace responsibilities or to access benefits available to all employees.
- Would not result in undue hardship, such as safety risks to other staff.

Individual Accommodation Plan – Is a formal way of recording and reviewing the workplace-related accommodations that will be provided to an employee with a disability. The accommodation plan must document actions used to provide the employee with details about:

- Accessible formats or communication supports.
- Workplace emergency accommodations.
- Any other reasonable accommodations to remove workplace barriers.
- When workplace accommodations will be provided, reviewed and, if necessary, updated.

Accomplish Anything

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Undue Hardship – Employers are required to provide accommodations up to the point of undue hardship. There is no set formula for deciding what constitutes undue hardship. To help determine undue hardship, consider health, safety, cost, collective agreements, the interchangeability of the workforce and facilities, and the legitimate operational requirements of the workplace. Inconvenience, preferences, or having to bear some costs do not usually qualify as undue hardship. Management must make serious, conscientious, and genuine best efforts, document their efforts, and include input from the employee and the employee representative, where applicable, as well as from the division’s human resources department. It is not enough to offer assumptions or impressions about what is or is not possible. For example, simply declaring that the cost is too high or that there is an unreasonable risk to health and safety does not constitute undue hardship. To prove undue hardship, you must provide substantial evidence and document it. The employer bears the burden of proving that the accommodation of an employee would result in undue hardship. Under the Human Rights Code only three conditions will be assessed in deciding whether the employer has met the burden, namely:

1. Cost
2. Outside sources of funding if needed; and
3. Health and safety requirements, if needed.

Barriers – Barriers are obstacles that limit access and prevent people with disabilities from fully participating in everyday life. Most barriers are not intentional. Barriers usually arise because spaces, goods or services do not take into account users’ diversity of abilities. For instance, this might be related to height, strength, memory or understanding.

Accessible Formats – These are formats of information that facilitates effective communication by or with a person who is disabled by a barrier. Examples of accessible or alternate formats include large print, recorded audio, electronic formats, or braille.

Communication Supports – Communication supports means two-way communication that works for a person disabled by a barrier and includes, for example, texting, sign language, plain language, captioning, alternative and augmentative communication supports.

Performance Management – Means any process used by an employer to manage the work of individual employees or to plan, monitor and review an employee’s work objectives and overall contribution to the employer’s organization.

Recovery at Work (Return to Work) Process – Is a proactive way to help employees with disabilities, injuries and/or health conditions to stay at work or recover at work as soon as it is safe to do so. This typically involves modifying and graduating employee duties and hours at work, according to their functional abilities.

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