

DUTY TO ACCOMMODATE

Background

Accommodation of employees within the workplace is a shared responsibility between the employer, the employee and the union (where applicable). Where temporary accommodations are made, the parties shall review such arrangements on a regular basis. Employees on a permanent accommodation will be reviewed as deemed appropriate by the Superintendent of Human Resources.

Prairie South School Division is committed to providing all employees with a healthy work environment encompassing safety and support for all employees and will take any meaningful and practical steps necessary to achieve and promote this commitment.

Prairie South School Division has a duty to accommodate ill, injured or disabled employees and is committed to returning them to a safe and productive job and work environment. Duty to accommodate is a legal principle that requires employers and unions to ensure they do not discriminate against an individual on the basis of a prohibited ground, in this case a disability. The return-to-work process begins immediately after an illness, injury or disability occurs. Accommodation plans are intended to be transitional and have a fixed duration, however, in some cases a permanent accommodation may be required in the case of a disability. Employees requesting an accommodation have a duty to participate in the process to the best of their ability, capacity and in good faith. Any employee's personal information will be held in confidence and only provided to those necessary in the accommodation; medical information detailing functional restrictions and limitations is required, specific diagnosis is not required to fulfill the duty to accommodate

The duty to accommodate is not about employee preferences but is about removing discriminatory barriers related to the disability, up to the point of undue hardship. The goal is to return the employee to their pre-disability position and location where possible. Where this is not possible, the supervisor, Superintendent of Human Resources, and union (if applicable) will work jointly with the employee to find a reasonable accommodation.

When, in the opinion of the Superintendent of Human Resources, it has been clearly established based upon the medical information available, that the ill, injured or disabled employee will not return to their former position, due to permanent restrictions, the employer will explore all reasonable alternatives to accommodate the employee up to an undue hardship.

For the purposes of this procedure, 'disability' is defined broadly as per The Saskatchewan Human Rights Code and includes physical, mental, intellectual, and learning disabilities, as well as addictions.

Reference: Duty to Accommodate: Guide for School Divisions and Saskatchewan Teachers Federation Members. November 2022
Duty to Accommodate: Guidelines for Illness, Injury & Disability (CUPE) April 2017
Saskatchewan Human Rights Code