

## ACCOMMODATION POLICY

Dalhousie University recognizes the diversity of its faculty and staff and is committed to providing a work environment in which employees are able to contribute to the University community, including the opportunity to participate in work-related activities without discrimination on grounds prohibited by the Nova Scotia *Human Rights Act*.

The University's commitment to safeguarding students and employees from prohibited discrimination is set out in the Statement on Prohibited Discrimination, and the procedures for addressing alleged violations of the Statement by employees are set out in the Statement on Prohibited Discrimination Procedure for Complaints against an Employee of the University.

As stated in the Statement on Prohibited Discrimination:

The University operates in accordance with the Nova Scotia *Human Rights Act*. The *Act* prohibits discrimination in certain activities including the provision of or access to services and facilities, accommodation, publications and employment. Discrimination is defined as making "a distinction, whether intentional or not, based on a characteristic, or perceived characteristic . . . [see list below] that has the effect of imposing burdens, obligations or disadvantages on an individual or class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society." The *Act* prohibits discrimination based on the following grounds or characteristics:

- (i) age
- (ii) race
- (iii) colour
- (iv) religion
- (v) creed
- (vi) sex
- (vii) sexual orientation
- (viii) physical disability or mental disability
- (ix) an irrational fear of contracting an illness or disease
- (x) ethnic, national or aboriginal origin
- (xi) family status
- (xii) marital status
- (xiii) source of income
- (xiv) political belief, affiliation or activity
- (xv) association with an individual or a class of individuals having characteristics referred to in (i) to (xiv)

The University recognizes that its obligation to provide a working environment free from prohibited discrimination includes the obligation to make accommodations for employees in instances where an employee's work environment has a discriminatory effect on the employee's ability to fully participate in work-related activities. In particular, the university is obliged to make every reasonable effort short of undue hardship to take substantial and meaningful measures to eliminate or reduce the discriminatory effects of its workplace environment, including facilities, policies, procedures, and practices.

Many existing University policies and practices or collective agreement provisions already provide means of achieving workplace accommodation. Examples of University policies or practices include:

- Holiday substitutions (non-majority religious holidays)
- Travel policy (dependant care)
- Access to day-care facilities
- Modification of physical facilities in certain circumstances
- Availability of flex hours in certain circumstances

Many accommodations are being made on a day-to-day basis by administrative and academic units throughout the University.

The purpose of this policy is to set out clear procedures to be followed in all instances where an employee seeks workplace accommodation to eliminate or ameliorate discrimination on one of the prohibited grounds.

Persons responsible for developing new activities, programs or procedures within the University may consult with the Office of Human Rights, Equity & Harassment Prevention and/or Human Resources for assistance in identifying and eliminating or reducing as much as possible any discriminatory effects of such activities, programs or procedures. The Office of Human Rights, Equity & Harassment Prevention and Human Resources are responsible for ensuring that current University policies, rules, practices, and procedures are reviewed to identify and eliminate discriminatory elements based on prohibited grounds.

The Office of Human Rights, Equity & Harassment Prevention is a resource available to employees seeking accommodation and to units considering or implementing an accommodation plan.

### **Policy**

1. In this policy, the “Administrative Head” of:
  - a) a Dean, is the Vice-President Academic and Provost;
  - b) a Chair, Head or academic Director is the Dean of that Faculty;
  - c) a Director, or equivalent, of an administrative or other non-teaching unit is the Vice-President responsible for that unit;
  - d) an employee who is a faculty member is the Dean of that Faculty; and
  - e) an employee who occupies a non-faculty position is the Dean of the Faculty, or the administrative Director or equivalent of the unit in which the employee works.
2. It is the employee’s responsibility to make a request for workplace accommodation. The University will consider a request for accommodation made by a third party (physician, family member, caregiver, union, advocate or other representative) only where the employee has provided prior written consent.
3. A request for accommodation shall be made in writing to the employee’s current or prospective Administrative Head, and shall contain the following information:
  - a) the reasons for the accommodation (i.e. particulars of the discriminatory impact on the employee on one of the prohibited grounds) and any supporting documentation;
  - b) the accommodation being requested and/or any suggestions as to how the accommodation can be achieved; and
  - c) where a medical condition is relevant to the request, copies of medical reports or additional medical documentation to substantiate the request and/or to assist in identifying the most appropriate means of accommodation.
4. The Administrative Head shall consult with the Office of Human Rights, Equity & Harassment Prevention and/or Human Resources and any other person whom s/he deems appropriate in order to assess the request, including the employee making the request. The assessment is a two-step process. First, the Administrative Head shall consider whether or not the accommodation request arises in relation to one of the prohibited grounds of discrimination as set out in the Statement on Prohibited Discrimination. If the request does arise in relation to one of the prohibited grounds, the Administrative Head shall proceed to the second step, and shall consider all relevant factors in assessing whether an accommodation can be made without imposing an undue hardship to the University. Such factors include, but are not limited to, the following:
  - a) Linkage – whether the proposed accommodation will have the practical effect of eliminating or reducing the identified discriminatory effect;

- b) Safety – whether the proposed accommodation would pose a safety risk to other individuals or to the employee seeking accommodation;
  - c) Financial Cost – what are the costs (estimate out-of-pocket expenses to put the accommodation in place together with any long-term costs to sustain the proposed accommodation), and would such costs be prohibitive;
  - d) Size and Nature of the Operation – how disruptive would the proposed accommodation be to the employee’s unit, considering the number of employees and the nature and inter-relationship of the employees’ positions and the functions that they serve;
  - e) Interchangeability of the Workforce and Facilities – whether the workforce or facility would be adaptable enough to be able to implement the proposed accommodation;
  - f) Provisions of a Collective Agreement – whether the proposed accommodation would significantly interfere with the rights of other employees under the Collective Agreement;
  - g) Alternatives – where a requested accommodation appears to create an undue hardship based on the above factors, whether an alternative accommodation may be available.
5. Where the Administrative Head determines that the requested accommodation arises in relation to one of the prohibited grounds set out in the Statement on Prohibited Discrimination and where the Administrative Head determines that accommodation would not impose an undue hardship on the University, the Administrative Head shall allow the request.
  6. The Administrative Head shall communicate his or her decision, with reasons, in writing to the employee requesting accommodation. A copy of the decision shall be forwarded to the Office of Human Rights, Equity & Harassment Prevention.
  7. Particulars of requests for accommodation, including supporting documentation, shall be treated as strictly confidential, and shall not be disclosed to other persons without the consent of the employee requesting accommodation, except and to the extent that such disclosure is reasonably necessary for the effective implementation of the accommodation plan, where disclosure is required by law, where disclosure is required as part of the reporting requirements under the Federal Contractors Program.
  8. The Office of Human Rights, Equity & Harassment Prevention and Human Resources will monitor all accommodation plans to ensure that they have been implemented in accordance with this policy. Accommodation plans will be reviewed from time to time to determine whether any adjustments to the accommodation plan are necessary.
  9. Where an employee believes that his or her request for accommodation has not been handled in accordance with this policy or is not satisfied with the type of accommodation offered, the employee may appeal to the Vice-President responsible for the unit in which the accommodation was sought. Where the Vice-President is the Administrative Head, the appeal shall be made to the President. Such appeals must be made in writing within 30 days of the date of the decision. The decision of the Vice-President, or President, as the case may be, shall be final.
  10. All employees shall cooperate with accommodation plans implemented under this policy. Failure to cooperate may be considered prohibited discrimination under the Statement on Prohibited Discrimination.
  11. Notwithstanding anything in this policy, employees have the right at any time to seek the assistance of the Nova Scotia Human Rights Commission.