



Accommodation Policy

Oversight body: Bylaw and Policy Review Committee

Date Passed by Council: January 10, 2018

Date of Next Review: January, 2020

Related policies, bylaws, legislation: Bylaw 3, Equity Policy, Hiring Policy, Nova Scotia Human Rights Act,

Definitions

“Accommodation” – An action the DSU takes, or is requested to take, in order to reduce a discriminatory barrier that an employee or volunteer faces within the DSU.

“Undue hardship” – A significant financial, operational and/or safety consideration.

“Discrimination” – a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 of the *Human Rights Act* (Nova Scotia) 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.

“Supervisor” – The staff member, Executive Officer, or Commissioner who directly oversees the tasks and performance of the employee or volunteer.

Scope

This policy applies to all staff, volunteers, Executive Officers, and Councillors in the DSU.

Purpose

The purpose of this policy is to set out clear procedures within the DSU to be followed in all instances where an employee or volunteer seeks accommodation to eliminate or ameliorate discrimination.

Policy Statement

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

2. Prohibited Discrimination

2.1 In accordance with the Nova Scotia Human Rights Act, discrimination is prohibited on the following grounds or characteristics:

2.1.1 Age

2.1.2 Race

2.1.3 Colour

2.1.4 Religion

2.1.5 Creed

2.1.6 Sex

2.1.7 Sexual orientation

2.1.8 Gender identity

2.1.9 Gender expression

2.1.10 Physical disability or mental disability

2.1.11 An irrational fear of contracting an illness or disease

2.1.12 Ethnic, national, or aboriginal origin

2.1.13 Family Status

2.1.14 Marital Status

2.1.15 Source of income

2.1.16 Political belief, affiliation, or activity

2.1.17 Association with an individual or a class of individuals having characteristics referred to in 2.1.1 to 2.1.16.

3. Request for Accommodation

3.1 It is the responsibility of the employee or volunteer seeking accommodation to make a request for workplace accommodation.

3.2 A request for accommodation shall be made in writing to the current or prospective supervisor of the employee or volunteer, and shall contain the following information:

3.2.1 The reasons for the accommodation (i.e. particulars of the discriminatory impact on the employee or volunteer on one of the prohibited grounds) and any supporting documentation;

3.2.2 The accommodation being requested and/or any suggestions as to how the accommodation can be achieved;

3.2.3 Where a medical condition is relevant to the request, copies of medical reports or additional medical documentation to substantiate the request and/or assist in identifying the most appropriate means of accommodation.

4. Requestor Responsibilities

4.1 In addition to the requirements of Section 3, the employee or volunteer requesting accommodation is expected to do the following:

4.1.1 Cooperate with DSU by providing relevant and appropriate information to support the request for accommodation;

4.1.2 Cooperate by undergoing a health evaluation or assessment, if appropriate, to support a request for accommodation;

4.1.3 Work with the supervisor to find appropriate accommodation solutions;

4.1.4 Consider all proposals that effectively respond to needs, even if a proposal may not be the preferred option of the employee or volunteer; and

4.1.5 Advise the manager if accommodation measures need to be changed or if the agreed-upon solution has not worked as it was intended, and explore ways to modify accommodations as required.

5. Supervisor Responsibilities

5.1 The supervisor will first consider whether the accommodation request arises in relation to one of the prohibited grounds of discrimination as set out in 2.1.

5.2 If the request does arise in relation to one of the prohibited grounds, the supervisor shall then consider all relevant factors in assessing whether an accommodation can be made without imposing an undue hardship to the DSU. Such factors include, but are not limited to, the following:

5.2.1 Whether the proposed accommodation will have the practical effect of eliminating or reducing the identified discriminatory effect;

5.2.2 Whether the proposed accommodation would pose a safety risk to other individuals or the employee or volunteer seeking accommodation;

5.2.3 What are the costs, and would such costs be prohibitive;

5.2.4 How disruptive would the proposed accommodation be to the employee's or volunteer's department, considering the number of employees and/or volunteers and the nature and inter-relationship of the employee's or volunteer's positions and the functions that they serve;

5.2.5 Whether the workforce or facility would be adaptable enough to be able to implement the proposed accommodation;

5.2.6 Where a requested accommodation appears to create an undue hardship based on the above factors, whether an alternative accommodation may be available.

6. Request Outcomes

6.1 Where the supervisor determines that the requested accommodation arises in relation to one of the prohibited grounds set out in 2.1 and where the supervisor determines that agreed

upon accommodations would not impose an undue hardship on the DSU, the supervisor shall ensure the accommodations are implemented.

6.2 The supervisor will communicate their decision, with reasons, in writing to the employee requesting accommodation. A copy of the decision will be forwarded to the General Manager.

6.3 All documentation shall be treated as strictly confidential, and shall not be disclosed to other persons without the consent of the employee or volunteer requesting accommodation, except and to the extent that such disclosure is reasonably necessary for the effective implementation of the accommodation plan or where disclosure is required by law.

7. Reconsideration

7.1 Where an employee or volunteer believes that their request for accommodation has not been handled in accordance with this policy or is not satisfied with the type of accommodation offered, the employee or volunteer may ask for the decision to be reconsidered by:

7.1.1 The General Manager when the employee or volunteer is supervised by a full-time staff member;

7.1.2 The President when the employee or volunteer is supervised by an Executive Officer;

7.1.3 The Vice-President responsible for the Commissioner an employee or volunteer reports to;

7.1.4 The Executive Committee when the employee or volunteer is supervised by the President or General Manager.

7.2 The person appealed to shall reconsider the request for accommodation based on the factors set out in Section 5.