

Medical Accommodation Guidelines

Introduction:

The University of Saskatchewan is committed to supporting employees in need of temporary and/or permanent medical accommodation in an employment context and working with all key stakeholders to ensure an appropriate and reasonable outcome.

The intent of this document is to offer stakeholders a general understanding and a consistent approach when planning and supporting medical accommodation and return-to-work cases in the workplace. In particular, this guide outlines:

- Key terminology;
- Guiding principles;
- Roles and responsibilities;
- General accommodation process; and
- Accommodation considerations.

Key Terminology:

Accommodation

According to The Saskatchewan Employment Act, accommodation is identified as: “modifying the duties or reassigning the employee.” Therefore, an accommodation will be dependent on a number of factors including: the employee’s nature of disability, prognosis, medical restrictions/limitations and capabilities and the employer’s operations, availability of work and financial and human resources. An accommodation may be temporary or permanent.

Duty to Accommodate

Employers have a legal duty to offer reasonable accommodation to staff who are in need unless doing so creates an undue hardship on the employer.

Permanent Accommodation

Permanent accommodation is when an employee has permanent restrictions and limitations and requires ongoing adjustments to their pre-disability job and/or work hours or may require a different job.

Reasonable Accommodation

The employer has a legal duty and holds the primary responsibility to explore reasonable accommodations when employees are in medical need of such. In the employment context, reasonable accommodation refers to the steps an employer must take to modify an aspect of the job or the workplace that is necessary to meet the medical needs of an employee, up to the point of undue hardship. A reasonable accommodation can take many forms including, but not limited to: modifying job duties, altering a building or work site, providing technical aids, altering hours of work and/or finding another, more suitable position for the employee.

Restrictions and Limitations

Restrictions are those mental and/or physical tasks and activities an employee requiring an accommodation may never be able to do; limitations are those mental and/or physical tasks and activities an employee requiring an accommodation may do, but only to a limited extent. Restrictions and limitations can be deemed permanent or temporary.

Temporary accommodation

Temporary accommodation is when an employee requires a modified work arrangements that are not deemed a permanent accommodation. A temporary accommodation may include adjustments to hours of work and/or job duties, but not on a permanent basis.

Stakeholder

Anyone with interests and/or involvement in the medical accommodation process. Examples include employees, employer representatives, union representatives, third-party insurer(s), external vocational rehabilitation specialists and healthcare providers.

People Leader

Anyone who supervises, manages, directs or leads people.

Undue Hardship

The employer has a duty to accommodate up to the point of undue hardship. What constitutes undue hardship will depend on all of the circumstances. Factors that may cause undue hardship could include unbearable financial cost, a considerable disruption to business, risks to health or safety of others and/or an interference with the employment rights of others.

Guiding Principles:

- The University is committed to providing reasonable accommodation of employees into meaningful and productive work, to the point of undue hardship.
- Accommodation is a collaborative, flexible and creative process involving all key stakeholders.
- All stakeholders are aware of their roles and responsibilities related to medical accommodation and will foster an open, participatory process with respect and dignity.
- The University will take a proactive approach with timely reintegration to the workplace, ideally within employees' pre-disability positions (but not limited to such).
- The University must identify the essential job duties of positions, and employees must be able to perform the essential functions of those jobs.

Roles and Responsibilities:

Accommodation is a shared obligation between the employer, employees and unions (if applicable).

Employee

Employees are accountable for notifying the employer as soon as possible of their medical accommodation needs and of any medical changes during the accommodation process. Employees are responsible for actively participating and cooperating throughout the accommodation process, and for meeting agreed-upon performance and job standards once accommodation is provided.

Employees will be asked to provide consent to arc Health or Sun Life so that appropriate medical information may be collected from the employee's medical provider(s). Medical information is requested and collected so that there is up-to-date medical restrictions and limitations, to fulfill the University's duty to accommodate.

Employer

Overall the employer's responsibilities include:

- Commence discussions and initiate the accommodation process, as appropriate, once aware that an accommodation may be needed;
- Obtain medical information from employees regarding restrictions, limitations and prognoses;
- Coordinate participation of all stakeholders involved in the process;
- Explore possible accommodations; and
- Offer the employee a reasonable accommodation, including involvement in developing and implementing a (graduated) return-to-work plan, up to the point of undue hardship.

The employer includes all departments, colleges, and administrative units including Wellness Resources and Human Resources.

Department/College/Administrative Unit

All departments, colleges and/or administrative units are accountable for actively participating and cooperating in the accommodation process. These efforts include maintaining contact with and supporting employees throughout the process, including in cases where employees are absent from work for an extended period.

When an employee notifies her/his supervisor a medical accommodation is necessary, the people leader is accountable for responding to and communicating with the employee to understand her/his medical restrictions and limitations and responding to her/his medical needs in a timely manner.

People leaders are responsible for determining if they require assistance to help facilitate the accommodation process and then initiating such assistance.

All departments, college and/or units are accountable for examining all jobs within their area as per the accommodation order (see below) to assist in ensuring the organization fulfills their duty to accommodate.

Human Resources Strategic Business Advisor (HR SBA)

Human Resources is accountable for participating, educating, advising and guiding the organization on its role and obligations in the duty to accommodate process and for actively assisting in identifying temporary and/or permanent accommodations, including monitoring vacant positions. Represent and provide insight on behalf of the employer, to ensure the operational interest/business needs of the unit are met.

Wellness Resources

Wellness Resources is accountable for participating, educating, advising and guiding the employee's department/unit regarding its role in the duty to accommodation process.

Insurance Provider and/or Vocational Rehabilitation Consultant (including arc Health and Sun Life)

The Insurance Provider/Vocational Rehabilitation Consultant is accountable for notifying the people leader of employees' readiness to return to work, informing and advising when employees require medical accommodations and providing sufficient medical information (obtained from medical treatment providers) that assists the stakeholders in identifying appropriate work and (graduated) return-to-work plans relative to supporting employees' medical limitations, restrictions and prognoses.

Medical Treatment Provider(s)

Stakeholders, and particularly employees, engage respective medical treatment providers (as appropriate) to provide clear and sufficient medical documentation in a timely manner to assist in identifying appropriate work relative to supporting the employee's medical limitations, restrictions and prognosis.

Unions

The Union is accountable for educating their members on its support role in the accommodation process, actively working with the employer and employees to identify work within the medical restrictions, limitations and prognoses and representing the employees' and union's interests during the accommodation process.

General Accommodation Process:

Common Steps Include:

- Employee to notify their people leader if employee believes an accommodation is required.
- Employee and people leader determine if stakeholder assistance is necessary to evaluate and facilitate accommodation needs.
- If assistance is required, the employee and/or supervisor notify Wellness Resources by completing the Wellness Resources Referral Form.
- Arc Health or Sun Life will work with the employee, supervisor, and medical provider(s), as per the accommodation table below. Employee may be required to provide the necessary medical information or undertake a functional assessment to understand the medical restrictions, limitations and prognoses and work together to identify how best to aid the medical accommodation.
- The employee's "home" department, college and/or unit is to examine all jobs as per the accommodation order (see below). If modifications cannot be made to the employee's current position due to undue hardship, then the department, college or administrative unit will actively identify an alternate job within that department, unit and/or college which meets, or can be modified to meet, the employee's skill set/qualifications, medical prognosis, restrictions and limitations.
- If the "home" department is not able to meet the accommodation needs of the employee, then arc Health or Sun Life will engage the HR SBA for assistance in facilitating a campus-wide accommodation.
- Representative(s) from the employee's home department/unit, HR SBA, Wellness Resources (as required), the employee and union representative (where applicable) will meet to discuss the accommodation process, medical restrictions, return-to-work plan, employee's transferable skills, and potential positions on campus that may be suited for the employee requiring accommodation.
- Following the initial accommodation meeting with all parties, the employee requiring the accommodation will forward their up-to-date electronic resume to the HR SBA to send to ConnectionPoint (Workforce Administration Team).

- ConnectionPoint and the HR SBA will review the vacant positions for posting, prior to posting the position, and makes an initial assessment as to whether the individual may be qualified for the position based strictly on the general requirements stated in the posting. If so, then ConnectionPoint/HR SBA will add the Wellness Resources contact to the approval for the requisition so that Wellness Resources can compare the position against the individual's medical restrictions and limitations. The position will not be posted until the assessment is completed.
 - Further discussion with the HR SBA and people leader would be required where the assessment determines the position is not suitable for the accommodation.
 - If it is determined the job posting appears to meet the employee's education, experience, and medical restrictions and limitations, then ConnectionPoint forwards the individual's resume to the HR SBA and applicable people leader for initial review against employment criteria and/or required qualifications.
 - If posting is identified as not suitable for accommodation at this point (and is able to be posted), Wellness Resources or the appropriate HR SBA will approve the requisition with ConnectionPoint.
 - Employees are also responsible for reviewing the job postings on a weekly basis and applying for positions that are of interest to them and believed to meet their restrictions, limitations and skillset.
 - Immediately after applying, employees are to notify ConnectionPoint (Workforce Administration) and their Union (if applicable) about their application for positions that have not already been flagged as a potential employment opportunity. Upon receiving notifications, ConnectionPoint will contact the HR SBA to notify them of the applicant seeking an accommodation Please note, it may not always be possible in such situations to ensure that the individual is assessed prior to considering other candidates.
- If the HR SBA and Wellness Resources determine the job posting appears to meet the employee's education, experience, skills, and medical restrictions and limitations, then the respective people leader will assess the employee, as appropriate, to determine whether the employee meets the minimum required qualifications of the vacant position.
- The people leader will notify (via email) the HR SBA of their decision. If the people leader determines the individual does not meet the minimum qualifications of the position, then the people leader will include the reason(s) in the email to the HR SBA and Wellness Resources. The HR SBA will then provide the information to the employee and Union (if applicable).
 - Human Resources, Wellness Resources, the employee, and the Union (if applicable) will continue to evaluate positions within the employee's medical restrictions and limitations until the employee is accommodated, up to the point of undue hardship.

Note: The Union may join in at any point during this process.

Accommodation Considerations:

The Employee, the Employer (representative from employee's department/unit, Human Resources and Wellness Resources) and the Union (if applicable) are all accountable for working together to develop a plan on how to achieve a reasonable accommodation, up to the point of undue hardship. Recognizing that each accommodation is unique, a defined or prescriptive process may not work for all circumstances. Therefore, it is up to the stakeholders to work together to develop an accommodation plan, keeping in mind the following:

- Determine a communication method that best works for the stakeholders to discuss such things as the accommodation process, the employee's current medical limitations and restrictions, and the accommodation order and potential jobs on campus.
- The primary goal is to accommodate the employee to their pre-absence and/or pre-disability job. If it is determined the employee cannot return to their pre-disability position due to their restrictions and limitations, then other job opportunities are to be considered as per the table below.
- Medical accommodations supersede seniority (where applicable) by giving first consideration for job vacancies to employees who require a medical accommodation and meet the minimum qualifications.
- Determine a post-accommodation follow up to assess if the accommodation is working well or if modifications and/or another accommodation is needed.
- The table below is not exhaustive, but outlines the typical accommodation order the stakeholders are to consider when identifying positions that meet the employee's temporary and/or permanent medical accommodation needs.

Order	Job	Department	Employer	Modifications
1. Most Preferred	Same	Same	Same	Minimal to None
2.	Same	Same	Same	Yes
3.	Different	Same	Same	Minimal to None
4.	Different	Same	Same	Yes
5.	Similar/Different	Different	Same	Minimal to None/Yes
6. Least Preferred	Different	Different	Different	Yes

Description of the Accommodation Order:

1. Employee's current job with minimal or no medical accommodations required (e.g. may require a graduated return-to-work plan and/or temporarily reduced hours).
2. Employee's current job with medical accommodations required on a temporary and/or permanent basis (e.g. may require a graduated return-to-work plan, temporarily or permanently reduced hours, work equipment modifications).
3. A different job with minimal or no medical accommodations required (e.g. may require a graduated return-to-work plan and/or temporarily reduced hours); usually occurs in home department/unit, but may occur in different department within home college or division; essential training/orientation may be required.
4. A different job with medical accommodations required on a temporary and/or permanent basis (e.g. may require a graduated return-to-work plan, temporarily or permanently reduced hours, work equipment modifications); usually occurs in home department/unit, but may occur in different department within home college or division; essential training/orientation may be required.
5. A similar or different job with minimal or no medical accommodations required (e.g. may require a graduated return-to-work plan and/or temporarily reduced hours) in another department/unit within a different college/division; a similar or different job with medical accommodations required (e.g. may require a graduated return-to-work plan, temporarily or permanently reduced hours, work equipment modifications) in another department/unit within a different college/division; essential training/orientation may be required.
6. Employer unable to provide medical accommodation (i.e. undue hardship claimed); employment relationship may end.

If you have any questions regarding medical accommodations, please contact Wellness Resources at 306-966-4580 or wellnessresources@usask.ca.