

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

	400 – PERSONNEL & EMPLOYEE	CODE:	AP 416
SECTION:	RELATIONS		
PROCEDURE:	DUTY TO ACCOMMODATE		

BACKGROUND

The Christ the Teacher Catholic School Board is committed to the principle of equal opportunity. All employees of the Christ the Teacher Catholic School Board have the right to equal treatment with respect to employment without discrimination because of a disability or a perceived disability. The right to be free from discrimination includes the right to reasonable accommodation, short of undue hardship.

The Board has a duty to accommodate unless to do so would constitute undue hardship. Three factors are considered to determine undue hardship: cost, outside sources of funding, and health and safety.

- Costs may amount to undue hardship if it is so high that it affects survival of the organization or changes its essential nature. Such costs must be quantifiable and can include costs such as capital and operating costs and the cost of re-structuring.
- Outside sources of Funding: Accommodation funds, as well as government grants or loans, can offset some costs, and should be considered in assessing undue hardship.
- Health and Safety: consider whether any applicable health and safety requirements can be waived or modified where permitted by law, or if alternatives can be found to protect health and safety.

Chris the Teacher Catholic Schools will provide accommodations, to the point of undue hardship, for every employee with a disability requiring accommodation. Accommodations will be provided in a manner to attempt to preserve and enhance the employee's personal dignity, self-respect and self-worth. The accommodation process is an individualized process, which takes into account all relevant circumstances.

Accommodating an employee may be as simple and cost effective as offering a graduated return-to work program, changing an assignment, altering duties or obtaining tools and equipment to assist the employee in effectively performing tasks. The goal is to provide safe, productive, and meaningful work that continues to meet the needs of the Division and respects the medical or other requirements of the employee. The specific accommodation will be determined based upon the unique circumstances and does not involve the creation of new positions to create work when accommodations are not possible. Employees are expected to participate and cooperate fully in the accommodation and return to work plans.

PROCEDURES

1. Illness or Injury at Work or Away from Work

- 1.1. When an employee is ill or injured away from work, the employee is required to notify the supervisor/principal that he/she will be absent.
- 1.2. When an employee is injured at work, the employee is required to immediately report the incident to their immediate supervisor. Unless the employee's injury is such that it requires immediate medical attention, an employee should not leave the workplace without reporting the injury.
- 1.3. When non-teaching staff experience an injury at work they are to refer to Administrative Procedures 417 Workers' Compensation.

2. Verification of Sickness/Absence

- 2.1. Teachers are required to submit Form 7-1 Verification of Sickness – Practitioner's Report (Appendix D Saskatchewan Teachers' Provincial Collective Bargaining Agreement), completed by a duly qualified medical practitioner for any planned absence due to illness or injury of greater than 1 week (example, surgery and recovery), or for any absence when requested by the immediate supervisor and/or Superintendent of Education.
- 2.2. Support Staff are required to submit Form 418.1 Employee (Non-Teaching) Medical Verification Absence from Work, completed by a duly qualified medical practitioner, for any planned absence due to illness or injury of greater than 1 week (example, surgery and recovery), or as requested by the immediate supervisor and/or Superintendent of Education.
- 2.3. If further information is required, the employee will be required to provide restrictions and limitations and/or Abilities Assessment as completed by a duly qualified medical practitioner.
- 2.4. All documentation surrounding the employee's illness/injury should be forwarded to the Superintendent of Education.

3. Return to Work Program

- 3.1. Early contact with the employee is essential in starting the process of returning the employee back to work. In many cases the employee simply returns to work and little or no intervention is required, however, when accommodation is required, an Abilities Assessment should be completed by the employee's physician and forwarded to the Superintendent of Education.
- 3.2. Upon receipt of the restrictions and limitations, a meeting should take place between the supervisor/principal, and Superintendent of Education, to determine a Return to Work Plan for the employee or to determine the accommodations that may be required to assist in a successful return to work.

- 3.3. A comparison will be completed reviewing the restrictions and limitations against the employee's job duties.
- 3.4. If the employee is unable to return to work in any capacity for the immediate future, the supervisor/principal and/or Superintendent of Education will set a follow-up date for review.
- 3.5. The employee's supervisor/principal will follow up with the employee weekly during their modified work program.
- 3.6. Any issues of deterioration in the employee's condition during their program should be documented by the supervisor/principal. Any issue should then be immediately addressed with the employee by their supervisor/principal and where necessary, involving the Superintendent of Education.
- 3.7. Once the plan is completed and the employee is fully returned to work, follow-up should continue for at least two weeks.
- 3.8. Employees are obligated to cooperate with the school division in all efforts to accommodate the employee's return to work.

4. Non-medical Accommodation

- 4.1. If an employee makes a request for an accommodation that is not medical in nature (and falls under one of the protected grounds), the employee will put the request in writing and submit it to his/her supervisor/principal.
- 4.2. The supervisor/principal would then contact the Superintendent of Education to discuss the potential accommodation including the following:
 - 4.2.1. Determine what barriers might affect the person requesting accommodation.
 - 4.2.2. Explore options for removing those barriers.
 - 4.2.3. Determine an appropriate accommodation, if applicable.
- 4.3. If the Division finds that removing the barrier or changing the workplace rule creates an undue hardship on the organization, then that rule or practice is a Bona Fide Occupational Requirement, in which case the employer does not have to accommodate.

Reference: Saskatchewan Regulations of the Human Rights Code
Canadian Medical Association Return to Work Policy
Health Information Protection of Privacy Act (HIPPA)
Personal Information Protection & Electronic Documentation Act (PIPEDA)
SSBA Insurance Policy
Saskatchewan Employment Act 2014
Provincial Collective Bargaining Agreement (Article 7)
Local Collective Bargaining Agreements

Date Issued: June 22, 2015