

Duty to Accommodate Checklist

General Points to Consider Before Starting the Search to Accommodate an Employee

- The accommodation process is designed to find a “reasonable accommodation” not a “perfect accommodation.”
- Accommodation involves finding productive, meaningful work that the employee can do. It is not about “make-work” projects.
- Abilities and limitations are medically confirmed and clearly defined.
- The length of time of any necessary, medically confirmed accommodations depends upon whether the employee’s needs are temporary or of a permanent nature.
- The employee, employer, and the union all have a legal obligation to cooperate, and to actively participate in the accommodation process; working towards finding a reasonable accommodation in a timely and collaborative manner.
- Each step of the accommodation process should be documented in a way that will explain and support any resulting decisions.
- Assess any trial period of accommodation to see if it is working out, in need of modification, or if it is not working. Determine upfront who will be responsible to monitor report on, or assess any change in needs.
- Be creative in approaching duty to accommodate. Be “innovative yet practical”. Focus on what the employee can do and what strengths they are returning to the workplace with.
- Consider that in duty to accommodate, the employer is the GoA, although your accountability is to explore accommodation within your unit, branch, division and ministry prior to expanding the search to other ministries within the GoA.
- The focus of this process is to accommodate employees. Only once all accommodation possibilities have been exhausted should the question of “undue hardship” be assessed, which would be an **extreme exception** within the GoA.

Accommodation Checklist

NOTE: If at any point during the below process the Ministry requires further guidance they may approach the D2A Support Team for assistance. See note regarding D2A Support Team at the end of this document.

If the employee is returning from LTDI or WCB please review the steps below in conjunction with the section “Dealing with Accommodation for Long Term Disability and/or WCB Employees”

STEP 1

Evaluation of the employee’s “own job”

- Has the Ministry reviewed all the relevant medical restrictions and limitations, the return to work plan, and the current job description to determine what, if any, accommodation is actually required?

- Are modifications required in order for the employee to be able to perform their own job? What are those modifications? How long will they be necessary? When will status be reviewed?

Possible modification(s) may consist of:

- altering the workstation,
- having the work done elsewhere in a more suitable environment,
- providing fans, barriers or ventilated rooms,
- providing assistive devices/equipment,
- obtaining training/re-training/orientation, and/or
- telecommuting.

Explore job sharing options or other adjusted hours if employee is required to significantly reduce hours or change work schedules:

- Can work hours be adjusted/reduced, allowing split shifts, staggered hours or special shifts to yield regular coverage?

- Are the tasks most difficult for the employee essential to the position?

- Can the tasks be performed in another way, i.e. redistributed or rebundled in a way that provides a position within the individual’s capacities?

STEP 2

Evaluation of other similar available job(s) in the Ministry

NOTE: Give preference to possible options that provide the employee with pay and terms closest to his/her existing position.

- Is there another job within the employee's work unit, branch or division in which his/her accommodation could be met? Can the worksite experiment with a solution or set up a trial period?
- Are there current vacancies, upcoming vacancies, or long term leaves that would offer permanent or temporary accommodation?
- Review the employee's qualifications and competencies to do other work (review the skill set, training needs, bona-fide occupational requirements). Is the employee qualified to perform the work, or sufficient aspects of the work with additional training to make a move to the new role feasible?
- Are there other courses or on-the-job training options available?
- Are there exceptions allowed to the qualifications of the job?
(Refer to Minimum Recruitment Standards)
- Is there someone available who could mentor and assist the employee in becoming qualified?
- Are modifications required in order for the employee to be able to perform an identified job?

Possible modification(s) may consist of:

- changes to the job schedule,
- change/re-bundle the arrangement of tasks,
- provision of assistive devices/equipment,
- job sharing, and/or
- telecommuting.

STEP 3

Other things to consider while you go through Step 2

- Have identified position(s) and incumbent(s) been approached for voluntary job exchange?
- Has the ministry reviewed anticipated vacancies of employees who have discussed their intention to resign?
- Has the Ministry reviewed all available positions?

Dealing with Accommodation for Long Term Disability and/or WCB Employees

LTDI

Note: When an employee is deemed no longer eligible for LTDI benefits, the LTDI Plan Adjudicator will provide the restrictions and limitations.

- Confirm the length of time that the employee has been on LTDI. If employee has been off work for less than 24 months, ministry is required to hold pre-disability position for the employee
- Confirm when LTDI Benefit Notice Period ends:
 - FIT FOR OWN (with restrictions or without) & on LTDI **less than** 24 months:
 - LTDI benefits end 30 days from date of decision
 - FIT FOR OWN (with restrictions or without) & on LTDI **more than** 24 months:
 - LTDI benefits end 3 months from date of decision
 - FIT FOR GAINFUL EMPLOYMENT (with restrictions)
 - LTDI benefits end 3 months from date of decision

Note: Ministries are required to place an employee on “Leave with Pay” if still searching for accommodation after LTDI Benefits have ended.

If a suitable accommodation option has been identified prior to the end of LTDI Benefits, further assistance/support with Return-to-Work Planning can be provided through the LTDI Plan Adjudicator.

WCB

- If WCB is involved, WCB adjudicator/case manager will provide restrictions and limitations. WCB has many options and resources such as on-the-job training, relocation assistance, economic loss payment, etc. that must be explored. The Ministry HRC should ensure that all WCB services applicable have been provided.

STEP 4

Considering “Undue Hardship”

- How have you explored all options available to you, within your Ministry?

- Does the Ministry require additional assistance? If so, they should consult with the D2A Support Team.

NOTE: The composition of the D2A Support Team will vary depending on the specifics of the case but will usually include the HR Ministry Contact, the worksite supervisor or manager, CHR staff, including a Labour Relations Officer, a Workplace Health Representative, a LTDI Unit Representative, (when LTDI is involved). Other resources as required, e.g. a WCB Representative, a CHR Staffing Consultant, D2A Contact Team Member, and/or a Union Representative. The team will review accommodation efforts to date and explore and suggest further accommodation options.