

**MANAGEMENT GUIDELINES FOR
DISABILITY MANAGEMENT**

COMMITTEE:	Human Resources Committee	PASSED:	September 9, 2004
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MANAGEMENT GUIDELINES

The North Vancouver District Public Library will endeavour to accommodate employees through the provision of meaningful, productive employment opportunities when reasonably practicable short of undue hardship and through the provision of benefit entitlements as applicable.

These Guidelines are intended to achieve effective disability management and safe return to work by:

- Assisting employees in maintaining their dignity and self-respect subsequent to being adversely affected by a disabling injury or illness;
- Supporting affected employees, reducing stresses, adjusting to a disability, reintegrating to the workplace, and other factors that adversely affect disabled employees;
- Monitoring absenteeism and initiating early intervention resulting in the expeditious return to work of valuable staff thereby minimizing the economic and emotional impact on employees;
- Establishing and promoting good communication between all parties; and
- Respecting the need to protect confidential information.

The Library is committed to supporting the spirit and intent of the Human Rights legislation. As a part of this commitment the Library will work diligently with employees to provide reasonable accommodation so that all employees may participate to their full potential and thereby contribute to the Library's and the employee's mutual success.

These Guidelines include the follow sections:

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A. RESPONSIBILITY FOR MANAGEMENT

Under the B.C. Human Rights Act, all individuals are protected from discrimination in employment. When an employee's individual circumstances require accommodation as defined in the Act, the employer has a duty to provide accommodation to the point of undue hardship.

B. TERMINOLOGY / DEFINITIONS

Accommodation – A reasonable adjustment or modification made in the work situation that allows an employee to perform the essential duties associated with the position, while permitting the operating area to maintain safety and productivity standards, (e.g. reorganize tasks, hours of work; modify the method used to perform a task, provide assistive devices; provide training). This may include consideration of alternate work.

Disability – A physical or mental impairment.

Due Diligence – Due diligence is the level of judgement, care and activity that a person or group or organization would reasonably be expected to exercise under particular circumstances. When applied to disability management, due diligence means that employers and employees shall take all reasonable steps to accommodate the needs of disabled employees.

Duty to Accommodate – Duty to accommodate refers to an employer’s obligation to take appropriate steps to provide accommodation to an employee with a disability, short of undue hardship; the employee’s obligation to accept a reasonable accommodation short of undue hardship. Accommodation is not a courtesy – it is the law, arising out of Canadian Human Rights Legislation under “Discriminatory Acts”.

Modified Work Plan – A plan established and reviewed by the Management and the employee with identified capabilities/restrictions received from the attending physician, with or without assistance from an Occupational Health Physician or a rehabilitation specialist, that includes all aspects of a modified work plan such as: reassigned responsibilities, rescheduling, training or modification of job duties, equipment or work stations, etc.

Return-to-Work Program (RTWP) – An early intervention, proactive process designed to help restore the disabled employee to their workplace. The RTW process restores a worker to the workplace as part of his or her recovery program.

Such programs are highly structured and frequently graduated, returning the employee within a defined schedule that gradually increases to regular hours. These programs may be performed under the guidance of a rehabilitation specialist and/or physician.

Undue Hardship – Based on current jurisprudence, undue hardship includes the following. The actual parameters of undue hardship are yet to be defined by the courts.

- Financial costs
- Problems of morale
- Inter-changeability of work force and facilities
- Size of the employer’s operation
- Safety - Including the magnitude of the risk and who will bear it

C. ROLES AND RESPONSIBILITIES

Library (Management)

- Leads the Library in its disability management process.
- Is responsible for implementing reasonable measures, short of undue hardship, to accommodate employee needs with regard to physical and mental disability.
- Carries out due diligence through policy and process.
- Is responsible for the ongoing review and monitoring of accommodation situations.
- Ensures strict confidentiality in all cases.

Employee

- Is responsible for proactive and full participation; cooperating with the Library's accommodation process.²
- Provides reasonable information and written confirmation as requested. Reasonable information is restricted to relevant medical information that will focus on ability to return to work, on return to work timelines and functional capabilities or limitations of the individual as they relate to the work situation.
- Provides all information that may be relevant and impact the accommodation.
- Participates in the development of an appropriate accommodation plan.
- Is responsible to be reasonable in accepting accommodation measures offered.

Supervisor

- Is responsible for notifying the Library (Management) of their employee's absence from work due to illness or injury when that absence has the potential to extend beyond five working days.
- Is responsible for facilitating and implementing an accommodation.
- Is responsible for the employees reporting to them. Wherever possible the supervisor will endeavour to accommodate an employee in their own job or within their own work unit.
- Reviews the essential job duties and explore methods of accommodating the employee.
- Cooperates with design and implementation of an appropriate plan.
- Includes the employee during the accommodation process and participates fully in the accommodation process.
- Requires the employee to perform work activities within the restrictions outlined by the medical reports.
- Monitors absenteeism and early intervention to facilitate the expeditious return to work of valued employees.

Employee's Physician

- Diagnoses and treats the illness or injury.
- Advises and supports the patient (employee).
- Provides and communicates appropriate information to the patient (employee) and to the employer.
- Is responsible to work closely with other health care professionals to facilitate the patient's (employee's) timely return to the most productive employment possible.

Occupational Health Physician (independent physician)

- Reviews the medical history and initiates communication with disabled employee's treating physician to clarify and/or provide recommendations regarding medical information.
- Identifies the employee's capabilities/limitations then recommends the most appropriate course of action in light of the employee's medical condition.

WCB

- Promotes workplace health and safety through regulation and education.
- Focuses on prevention, rehabilitation and wage loss compensation services.

D. ACCOMMODATION PROCEDURE

This procedure outlines the steps to be followed when accommodating employees. It is important to recognize that while consistent guidelines and procedures are established and will be adhered to, requests for accommodation must also be considered on an individual basis and variations--depending on the circumstances of each case--may be appropriate. The goal in all situations is to have a productive employee, within the constraints of their impairment, without negatively impacting operations, safety or staff morale in the work site.

1. Identification of need for accommodation

Request for accommodation may be made by:

- Employee
- Employer
- Physician

An employee who is absent from work for more than five days because of illness may be required to have their doctor submit confirmation of the condition, why the employee is prevented from working and the anticipated duration of the absence. In the event of an extended absence, prior to returning to work the employee must submit medical documentation that the employee is able to resume the job duties.

The employer has the right to, and will, verify the need for accommodation by way of requesting rationale or evidence in writing from relevant professional resources.

2. Evaluation of Employee Capabilities and Limitations

An evaluation is made to determine the employee's capabilities and limitations as they relate to the workplace. This evaluation may involve obtaining information from a relevant third party.

An important consideration when evaluating capabilities and limitations in terms of operational requirements is whether an accommodation situation is short or long term. A short-term need may be easily met; however, a longer-term situation may require a more complex planning process.

3. Determination of Accommodation within Existing Position

It is the Library's objective, in accordance with legislated requirements, to accommodate an employee within their existing position wherever possible.

Some methods to accommodate an employee include:

- Modify work process or method
- Adjust hours of work or rest periods
- Provide assistive devices (e.g., Obus form for employees with back injury)
- Review previous accommodation methods of similar cases for successful strategies.

4. Explore Accommodations in Alternate Positions

Should accommodation not be possible within the employee's existing position, exploration of alternate positions should be done.

The same methods to accommodate an employee described for their current position will also apply for alternate positions.

Some factors to consider when pursuing accommodation in an alternate position include:

- Employee's classification
- Capabilities and limitations of the employee
- Operational needs

The Library is not required to create a job to suit an employee's disablement.

5. Monitor Accommodation

- Ensure medical documentation is current throughout the process.
- Ensure employee understands and is involved throughout the process.
- Monitor progress through interviews and achievement of established goals and time parameters.

E. EXHAUSTION OF ACCOMMODATION MEASURES

The goal of the Library is to explore all accommodation measures available and facilitate an accommodation with which the employee can live. This does not necessarily guarantee the “perfect” solution.

Employees need to be aware that once reasonable accommodation measures have been made, further efforts will not be considered without a careful examination of the reasons for refusal and further relevant medical documentation.

If a reasonable proposal is refused by the employee, the Library’s duty to accommodate is completed. Refusal of a reasonable accommodation by the employee releases the Library from further duty to accommodate.

RELATED POLICIES

- **SICK LEAVE (MG-HR-01.4)**
- **ATTENDANCE MANAGEMENT (MG-HR-01.5)**