

Workplace Accommodation Policy

1. Preamble

- 1.1. Saint Mary's University is committed to fostering a work environment of respect, fairness and civility toward others while embracing everyone's dignity, freedom and diversity. Through the identification and application of best practices, learned experiences, and communication, the University strives to support equitable participation in the workplace and better understand campus barriers to accessibility and inclusion.
- 1.2. The University will provide reasonable Accommodation to the point of Undue Hardship for employees and prospective employees who have a need based on any Protected Characteristic in the Human Rights Act.

2. Purpose

- 2.1. This Policy recognizes the University's Duty to Accommodate and establishes the Accommodation process framework, including the roles and responsibilities of individuals and groups in the Accommodation process. This Policy does not apply to modifications to an individual's job to address a personal preference.
- 2.2. In applying this Policy, the University will act conscientiously and in keeping with applicable legislation as well as its own policies, guidelines, and collective agreements.

3. Jurisdiction/scope

- 3.1. This Policy applies to all University employees as defined in this Policy including administrators, faculty, and staff as well as bargaining agents (where applicable) and all applicants during the recruitment process for positions within Saint Mary's University. The Vice President Finance & Administration and the Return

to Work and Accommodations Advisor are the Responsible Officers for this Policy

Definitions

- 4.1. “Accommodation” is a temporary or ongoing modification to an Employee’s regular duties or working environment that reduces or eliminates barriers to enable the employee to perform their job duties and not be excluded from doing so based on a Protected Characteristic.
- 4.2. “Disability” is a physical or mental disability as defined in the Human Rights Act.
- 4.3. “Diversity” encompasses all those differences that make us unique, including but not limited to race, colour, ethnicity, language, nationality, sexual orientation, religion, gender, socio-economic status, age, and physical and mental ability.
- 4.4. “Duty to Accommodate” means the legal duty to accommodate an individual’s needs based on a Protected Characteristic.
- 4.5. “Employee” refers to every person who performs work and receives pay from the University, including all staff and faculty, whether permanent or casual, part-time or full-time, tenured or associate, students or independent contractors. Employees do not include visitors, volunteers, or individuals who have rented space from the University but do not provide services to members of the University Community.
- 4.6. “Essential Duties” are job duties (or a duty) that are substantial, not incidental, and are fundamental or inherent to the job.
- 4.7. “Gradual Return to Work” is the offer to return to work in a graduated capacity: reduced duties, hours, responsibilities, etc.
- 4.8. “Human Rights Act” means the *Human Rights Act* (Nova Scotia), R.S. c. 214, s.1, as amended. Terms not otherwise defined in this Policy shall have the meaning ascribed to them in the Human Rights Act.
- 4.9. “Protected Characteristic” means one of the protected characteristics as set out in section 5 of the Human Rights Act from time to time. A Human Rights violation occurs when a person is discriminated against, whether intentionally or

not, because of one or a combination of the protected characteristics as set out in the Human Rights Act.

- 4.10. “Undue Hardship” occurs when all reasonable means of Accommodation have been exhausted and only unreasonable or impracticable options remain which would create a substantial and unmanageable workplace burden for the University.

5. Policy

5.1. Guiding Principles

- 5.1.1. Accommodation is an obligation under the Human Rights Act.
- 5.1.2. Accommodation is a shared responsibility and invokes a duty to cooperate among the person seeking the Accommodation, the University, and the bargaining agent (if applicable), to reach a reasonable Accommodation. Additional participants may include a third party with special expertise that may be consulted with the consent of the person requesting Accommodation.
- 5.1.3. Each Accommodation will be assessed on an individual basis, on its own merits, and the University’s ability to accommodate up to the point of Undue Hardship.
- 5.1.4. Accommodation measures will result in employees performing meaningful and productive work that enables an employee to perform the Essential Duties of a particular job.
- 5.1.5. The University will respond in a timely, confidential, and respectful manner to requests for individual Accommodation.
- 5.1.6. All information relating to a request for Accommodation, including documentation, will be treated as confidential, and will not be disclosed to other persons without the consent of the Employee requesting the accommodation, except to the extent that such disclosure is necessary (on a need-to-know basis), to determine what, if any, accommodation is required and for effective implementation of an Accommodation.

5.1.7. All requests for Accommodations will be treated in a confidential manner and in accordance with the *Freedom of Information and Protection of Privacy Act* (Nova Scotia)

5.2. Reasonable Accommodation and Undue Hardship

5.2.1. The University has a responsibility to provide reasonable workplace Accommodation up to the point of Undue Hardship. A reasonable Accommodation respects the dignity and ability of the employee.

5.2.2. Accommodation will be provided based on employee “needs” versus “preferences.” An Accommodation may not be the employee’s ideal choice or preference; however, once the University has offered a reasonable Accommodation, the Duty to Accommodate will have been met.

5.2.3. The nature of the review and search for a reasonable Accommodation, the amount of information, and the meetings required are dependent on the Accommodation required and the circumstances of the requestor.

5.2.4. Accommodation can entail several solutions, including, but not limited to:

- Modifying appropriate aspect(s) of an employee’s job.
- Modifying hours of work.
- Gradual return to work.
- Changing or modifying the work environment.
- Introducing or modifying tools, equipment, and aids.
- When an employee cannot be reasonably accommodated in their own position or department, the University will look at vacancies for which the employee is qualified across the University.

5.2.5. Undue hardship is considered in the context of each request for Accommodation. In determining whether requested Accommodation creates Undue Hardship, consideration is given to factors, or a combination of factors, enumerated in human rights law. These factors include but are not limited to:

- Whether the Accommodation would present a safety risk to individuals or to the Employee requesting the Accommodation.

- Whether the Accommodation will have the practical effect of eliminating or reducing the identified barrier(s).
- The financial ability to accommodate.
- The ability of the person requesting Accommodation to meet the Essential Duties of the position requirements.
- The interchangeability of job duties.
- The impact on the University's ability to meet operational needs and standards of practice and service.
- Whether the Accommodation would significantly interfere with the rights of other employees under the Collective Agreement (where applicable).
- The degree and nature to which the Accommodation may impact or interfere with other employees or members of the University community.

6. Roles and Responsibilities

6.1. Employees (and candidates) should be prepared to:

- Communicate the need and expected duration for Accommodation without unreasonable delay.
- Explain why the Accommodation is required including identifying the Protected Characteristic that gives rise to the need for an accommodation.
- Provide relevant and appropriate information in support of the request for Accommodation. The University is entitled to receive relevant information to substantiate the need for and to determine suitable Accommodation (a refusal to provide the necessary information could be a deciding factor in determining whether the University has met its legal responsibilities pertaining to the duty to accommodate).
- Participate in the process of identifying and determining a reasonable accommodation. Accept an offer of reasonable Accommodation, even if it is not a preferred Accommodation option.

- Advise if any changes in circumstances occur that affect the Accommodation including if Accommodation needs change or if the agreed-upon solution has not worked as it was intended.
- Promoting an accessible and inclusive University environment that is free from discrimination. This includes supporting co-workers' accessibility and Accommodation needs.

6.2. Supervisors, Managers, Directors, and administrative leaders are responsible for:

- Fostering an inclusive work environment by treating all employees and job applicants with respect and dignity.
- Ensuring the University's Duty to Accommodate is met in accordance with the Accommodation Policy. This includes the responsibility to make and implement decisions in response to requests for Accommodation.
- Ensuring that the privacy rights of accommodated employees are respected, and any information shared is to determine what, if any, Accommodation is required and for effective implementation of an Accommodation.
- Consider information for Accommodation requests for short-term or temporary minor adjustments to work duties.
- Share information on accommodation requests with Human Resources.
- Working with Human Resources to coordinate the Accommodation process including notifying Human Resources when a request for Accommodation has been made.
- Assessing job duties and providing detailed job requirements where appropriate.
- Engaging with other leaders across campus when Accommodation is not possible in a business unit, department, or faculty.
- Together with Human Resources, presenting options for consideration, and to participate in discussions on the feasibility of potential Accommodations. If appropriate, Human Resources will include any applicable bargaining agent in discussing Accommodation options.

- Together with Human Resources, where an identified option is not appropriate due to Undue Hardship, be prepared to demonstrate that the University will suffer Undue Hardship as the result of a requested Accommodation.
- Discreetly raising the issue of Accommodation with an employee where there is reasonable cause to believe that Accommodation is required but has not been requested.

6.3. Human Resources will:

- Manage all documentation relating to a request for Accommodation.
- Request information including coordination of consultation with a third party with special expertise if required.
- Work with leadership to review Accommodation requests, assess workplace duties and identify options and document Accommodation efforts.
- Engage and consult with union when appropriate.
- Together with Leadership, present Accommodation options for consideration and participate in discussions on the feasibility of potential Accommodations.
- Support, coach, and provide direction in all aspects of the Accommodation process as required to ensure alignment with legislative requirements.
- Act as a confidential advisor to employees and Leaders who require assistance navigating the Accommodation process.
- Track and monitor Accommodations related to Protected Characteristics and provide statistical reporting and program analysis.

7. Relevant Legislation

7.1. [Human Rights Act](#)

8. Related Policies, Procedures and Documents

8.1. Policies

- [Safety Policy](#)
- [Sick Leave Policy – Administrative, Professional and Confidential Staff](#)
- [Collective Agreements](#)

Additional Approval Information

- a) **Policy Number:** 6-2028
- b) **Approving Authority:** President & Vice-Chancellor
- c) **Approved:** February 20, 2025
- d) **Responsible Office:** Vice President Finance & Administration
- e) **Responsibility:** Associate Vice President People & Culture
- f) **Revision Date(s):**
- g) **Supersedes:** Not applicable
- h) **Next Required Review:** Third anniversary of Approved date.