



Team Name: Human Resources Team Lead: VP – Human Resources Approved by: VP - Human Resources	Reference Number: ORG.1513.PL.002 Program Area: Human Resources Policy Section: Workplace Health and Safety
Issue Date: June 28 2016 Review Date: Revision Date:	Subject: Reasonable Accommodation

POLICY SUBJECT:

Reasonable Accommodation

PURPOSE:

Southern Health-Santé Sud believes in ethical and fair treatment of staff. As such, the principles of reasonable accommodation to the point of undue hardship shall be adhered to while supporting individual’s special needs associated with the protected characteristics outlined in *The Human Rights Code (Manitoba)* and staff returning to work following a work place injury in accordance with *The Workers Compensation Act of Manitoba*.

This policy applies to all current, potential, term and contract employees as well as volunteers of Southern Health-Santé Sud as defined by *The Human Rights Code (Manitoba)* and *The Workers Compensation Act of Manitoba*.

BOARD POLICY REFERENCE:

Executive Limitations (EL-1) Global Executive Restraint & Risk Management
 Executive Limitations (EL-3) Treatment of Staff

POLICY:

Individuals Responsibilities:

- To inform their employer of the need for accommodation as soon as reasonably possible.
- Provide all reasonable medical and other relevant information to support the requested accommodation.
- Perform modified duties and provide feedback to the employer. Modified duties must be reasonable to meet the accommodation. The individual must understand that this does not mean they will be ideal or perfect.
- Co-operate in the assessment, search and implementation of accommodation.

Manager Responsibilities:

- Identify any possible special needs requiring an accommodation by making relevant inquires with staff who are displaying a change in behavior or performance.
- In conjunction with Human Resources, document the request for accommodation and the process of assessing the request and communication with the individual.

Human Resources Responsibility:

- Provide support and resources to the staff, Director and Managers throughout the reasonable accommodation process.

DEFINITIONS:

Accommodations: adapting working conditions, work assignments or workstations to address the special needs of an individual where those special needs are due to the characteristics protected by *The Human Rights Code (Manitoba)*.

Reasonable Accommodation: often involves a simple change to how something is typically done, which takes in to account the need a person or group has that is based on a protected characteristic.

Undue Hardship: case law has established that it is more than minimal hardship and based on actual evidence and not assumptions. Inconvenience or some financial cost will not normally qualify as undue hardship. The following factors contribute to undue hardship:

- health and safety risks
- financial costs of accommodation
- legitimate operational requirements
- interchangeability of employees and facilities
- disruption to collective agreements
- impact on employees and service users
- impact on other protected rights
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Financial costs of an accommodation will also be considered in the context of the nature, size and scope of a business or organization.

Protected Characteristics: as defined by *The Human Rights Code (Manitoba)*, include

- Ancestry, including color and perceived race
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Age
- Sex, including sex-discrimination characteristics, such as pregnancy
- Gender identity
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability
- Social disadvantage

PROCEDURE:

Contact Human Resources for assistance in carrying out Reasonable Accommodation procedure.

SUPPORTING DOCUMENTS:

[ORG.1513.PL.002.SD.01](#) Disability Management Procedure Manual

REFERENCES:

The Human Rights Code (Manitoba)

Government of Manitoba, Principles & Policies for Managing Human Resources, 3.1.3 Reasonable Accommodation,

<http://www.gov.mb.ca/csc/policyman/index.html>

The Workers Compensation Act of Manitoba