

APPENDIX B

Steps in the accommodation process

1. Need for accommodation arises

- ✓ Employee approaches management or union about accommodation need or a pending return to work, or union representative recognizes that accommodation may be needed and discusses with worker
- ✓ Formal and clear request for accommodation is made to the employer (if not done already)
- ✓ If an employee approaches management about accommodation without the involvement of the union, the employer should advise the employee of their right to have a union representative involved. Both the employer and the union must respect the employee's right to privacy.

2. Information gathering

- ✓ Employee must provide information relevant to the accommodation
- ✓ In disability cases: provide information from their treating physician(s) that outlines the accommodation needs and any limitations or restrictions. Diagnosis is not required, but the information must be detailed enough to establish what the needs/limitations are and that they are related to a medical condition. See sample letter to physician.
- ✓ If the disability results from a workplace injury, there are specific processes that need to be followed under workers' compensation legislation. Contact the workers' compensation office in your jurisdiction or speak to a PSAC regional representative for assistance.
- ✓ If it is a return to work after a lengthy absence, refer to Q20 on return to work programs
- ✓ In some disability-related cases, a special assessment may be needed such as a visit to a specialist, an ergonomic assessment, etc. Wherever possible, the parties should agree on who performs the assessment. The employer cannot force the employee to see the "company doctor", including Health Canada (if the employer insists, the employee may need to "obey now and grieve later" – speak to a regional or component representative in these cases).
- ✓ In other cases (religion, family status, etc), the information needed will vary but the employee will have to provide some information about the need for accommodation and how it is linked to the human rights ground. Check any related collective agreement provisions that may assist the accommodation (e.g. flexible work hours, leaves of absence, etc.)

3. Meeting of the parties to discuss possible accommodations

- ✓ Ideally, the employee, union representative, their manager/supervisor and a human resources person should meet to discuss the needs and possible accommodations. Depending on the case, this may be one or several meetings.
- ✓ Both the union and employer should examine the workplace and come to the meeting with possible solutions.
- ✓ Document and take notes of all meetings.

4. Implementation of accommodation

- ✓ Accommodation agreement should be in writing (e.g. a return to work agreement, accommodation plan)
- ✓ The written accommodation plan should include the specific accommodations made, the parties' commitments and obligations, and a timeline.
- ✓ In some cases, co-workers may need to be notified if the accommodation will impact others in the workplace. This should be done with sensitivity and respecting the employee's right to privacy as much as possible.

5. Follow-up and re-assessment of accommodation needs

- ✓ In most cases, there should be a follow-up after some agreed-upon period of time to ensure that the accommodation is working and to determine if there have been any changes in circumstances that require a re-assessment and/or change to the accommodation.
- ✓ The union rep should also periodically check in with the worker to make sure the employer is implementing the accommodation as agreed.