



WORKPLACE ACCOMMODATION GUIDELINES: **FAMILY STATUS**

Emily Carr University of Art + Design is committed to providing an equitable and inclusive working environment, that values diversity and prevents discrimination on the grounds protected by the BC Human Rights Code.

The University will take reasonable steps to accommodate employees on the basis of family status, up to the point of undue hardship, where the employee's terms or conditions of employment would result in a serious interference with a substantial parental or other family duty or obligation of the employee.

These guidelines outline the process for seeking and designing workplace accommodations related to an employee's family status, including details surrounding the supports and processes available to employees who request such accommodations.

Principles

The University will take reasonable steps to accommodate employees on the basis of family status, up to the point of undue hardship, where the employee's terms or conditions of employment would result in a serious interference with a substantial parental or other family duty or obligation of the employee.

"Family status" refers to an employee's relationship with another person by blood, marriage (common law) or adoption. It includes family type (for example, a single-parent family) and the persons who are in the employee's family.

It is the responsibility of an employee to make reasonable caregiving arrangements that are necessary to enable the employee to work on their scheduled days and within their scheduled shifts or hours of work.

A minor conflict between a job requirement and a family obligation will not generally trigger a duty to accommodate unless special or extraordinary circumstances exist.

An employee's eligibility for family status accommodation will depend on the individual circumstances of each case. Relevant factors may include the following:

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- What is the employment-related rule, requirement, or policy that is resulting, or would result, in a serious interference with a substantial parental or other family duty or obligation of the employee?
- Has the employee made all reasonable efforts to self-accommodate before submitting an accommodation request?

Accommodations are dealt with on a case-by-case basis and will be based on the employee's individual circumstances. They may include such measures as adjustment of working conditions, reassignment or exchange of non-essential tasks, changes in hours or days of work, employment policy or practice modifications, job transfer to a suitable job vacancy for which an employee is qualified, etc.

Accommodations can be temporary, or be periodic or long-term, depending on the employee's individual circumstances.

An employee who wishes to be considered for a family status accommodation must provide the University with suitable information that supports the accommodation requirement. The information required by the University will depend on the individual and specific circumstances. It must enable the University to determine that the employee qualifies for a family status accommodation in the circumstances, and to identify the specific job accommodations that are required.

Successful accommodation relies upon collaboration and cooperation between the employee, the applicable manager(s), the employee's union (if applicable) and Human Resources. All parties will be expected to participate reasonably in the search for an appropriate accommodation.

The University is not able to provide an accommodation that would cause undue hardship. The existence of undue hardship will depend on the individual circumstances. Relevant factors may include, but are not limited to, the following:

- Whether there is a risk to the safety of the employee or others;
- The financial cost of the accommodation;
- Whether the proposed accommodation would result in lowering material performance standards, or in essential job requirements not being met;
- Whether the accommodation would be unduly disruptive to the work environment or have a significant adverse impact on the rights or morale of other employees.

An employee who requests accommodation must be able to perform the essential requirements of the job. If the accommodation involves a transfer to a different position, the employee will be paid the wage rate for the position to which they are transferred.



The duty to accommodate does not require the University to satisfy demands that are unreasonable, create a job where none exists, displace another employee, assign “make work” duties that are not of tangible benefit to the University or place an employee in a job for which they are not qualified or that they are not able to perform safely and productively.

Requests for accommodation will be denied by the University where:

- The request is not linked to a characteristic protected by the BC Human Rights Code;
- There is insufficient evidence to support the request;
- The employee has failed to cooperate in the accommodation process, or has refused a reasonable accommodation proposed by the University; or
- The requested accommodation would cause the University undue hardship.

Procedures

1. Where an employee has made reasonable efforts to meet family status obligations through reasonable alternative solutions, and where those solutions are not practicable, an employee may submit a request to Human Resources for family status accommodation. It is important to emphasize that an employee must ensure they have made all reasonable efforts to self-accommodate before submitting a request for family status accommodation. Information regarding these efforts must be submitted with the accommodation request.
2. The request for accommodation should be made to the Human Resources department in writing. The Employee should be clear that they are requesting accommodation based on their family status.
3. The Employee must provide the University with suitable information which supports their eligibility for a family status accommodation. Specifically, the information must explain how the employee's terms or conditions of employment are resulting or would result, in a serious interference with a substantial parental or other family duty or obligation of the employee. The information required by the University will depend on the individual circumstances. It must enable the University to determine that the employee qualifies for a family status accommodation in the circumstances, and to identify the specific job accommodations that are required.
4. Depending on the circumstances and the accommodation requested, the required information may include but not be limited to:



- a. Details about the nature of the family obligation, including whether it involves childcare obligations to minor dependents or obligations to adult family members;
 - b. An explanation of the employee's relationship to the child or family member, including legal obligations of the employee to provide family care, or otherwise provide supervisory or related responsibilities;
 - c. A description of the reasonable efforts made by the employee to meet their family status obligations through reasonable alternative solutions, and why those alternatives failed to address the obligation;
 - d. If the family obligation involves a minor dependent child, information about the child's age and the nature of the childcare obligation (for example, does it involve a legal obligation or is it a matter of personal preference);
 - e. If the family obligation involves caring for a child or family member with an illness, medical information may be required to enable the University to evaluate the request;
 - f. The employee should indicate the availability of other family members or persons to provide or assist with the family obligations, and whether the employee has made reasonable efforts to arrange such assistance;
 - g. Details about how the employee's working conditions interfere with the family status obligation;
 - h. The accommodation the employee is requesting (*note that while proposals put forward by the employee will be considered as part of the accommodation process, they remain subject to the undue hardship limitation and whether those proposals adequately consider the University's business, operational and financial interests);
 - i. An indication of the proposed duration of the requested accommodation.
5. The employee's information will be reviewed by a Human Resources team member.
6. Additional information, or supporting documentation, may be required to verify the need for accommodation, or to assist the University in designing an appropriate accommodation plan.
7. Human Resources will work with the employee and their administrative supervisor to develop a plan for the accommodation. If the employee is a member of CUPE or the Faculty Association, their union steward will be included in the development of the plan.



Details of the employee's limitations and/or restrictions arising from their family status will be discussed, as they pertain to the applicable job duties or workplace requirements.

8. The University may work with a third-party consultant, to provide expertise and facilitate the accommodation process.
9. Accommodation information received by the University will be treated as private and confidential, and will only be shared on a need-to-know basis.
10. Once a decision has been made regarding the request for accommodation, the employee will be supplied with the decision, and an offer of accommodation will be made if appropriate. A meeting with the employee, Human Resources, the administrative supervisor and a union representative (as appropriate) will be held to review the accommodation plan and sign the agreement. A signed copy of the plan will be placed in the employee's file and copies shall be retained by the supervisor and the union (if applicable).
11. If Human Resources determines that the employee is not eligible for family status accommodation, or that the University is unable to accommodate the employee, it will advise the employee in writing and provide reasons for this determination.
12. Family status accommodations are reviewed periodically to ensure that the plan is effectively resolving the challenge, and to determine whether any modifications are required. The employee and their administrative supervisor are responsible for monitoring the accommodation.
13. If an employee's abilities, needs, or the conditions of their job change, the employee or their administrative supervisor should notify Human Resources as soon as possible. Human Resources will then obtain the necessary information to determine whether or not the existing accommodation should be modified, discontinued or replaced.
14. Human Resources will document each stage in the accommodation process.

Confidentiality

The University is committed to protecting the privacy of all employees. The university will manage and protect all confidential and personal information, in any form, in accordance with its obligations under the B.C. *Freedom of Information and Protection of Privacy Act*. Personal information that Human Resources receives through the course of an employee's employment is not to be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information under the Act.



Questions or concerns about the University's collection, use, disclosure or storage of personal information should be directed to privacy@ecuad.ca.

Roles and Responsibilities in the Workplace Accommodation Process

Employee Responsibilities:

- Communicate the request for family status accommodation at the earliest possible opportunity.
- Explain the request for family status accommodation; i.e. how the employee's terms or conditions of employment are resulting, or would result, in a serious interference with a substantial parental or other family duty or obligation of the employee.
- Cooperate by providing relevant and appropriate information with sufficient details to support the request for accommodation.
- Cooperate and actively participate in good faith. An employee is expected to fully participate in the effort to find a reasonable accommodation, exploring all alternatives and solutions, while recognizing that the result may not be the preferred accommodation.
- Consider all offers of accommodation that effectively address limitations. An employee is not entitled to a "perfect accommodation", but one that is reasonable.
- Communicate through appropriate channels if the accommodation needs to be changed or reviewed.
- Perform the substantive duties of the position within the context of the accommodation.
- Cooperate with third-party providers, when appropriate.

Human Resources Responsibilities:

- Provide guidance, training, and coaching pertaining to the accommodation process.
- Request only information that is required to facilitate the accommodation process.
- Obtain expert advice or opinion where necessary.
- Respect employee privacy and maintain confidentiality.
- Take an active role in ensuring that alternative approaches and reasonable accommodation solutions are investigated.
- Communicate and liaise with stakeholders (employees, union representatives, management, and relevant third-parties).
- Ensure that reasonable steps are taken to accommodate employees on the basis of family status, up to the point of undue hardship, where the employee's terms or conditions of employment would result in a serious interference with a substantial parental or other family duty or obligation of the employee.
- Review accommodation requests in a timely manner.
- Keep a record of the accommodation request and action taken.



Union Responsibilities (if applicable):

- Encourage their members to identify and communicate through the appropriate channels their need for accommodation.
- Assist and represent their members in the process.
- Respect employee privacy and maintain confidentiality.
- Collaborate with all parties to find and implement a reasonable accommodation, up to the point of undue hardship.
- Consider modification of collective agreement terms where necessary.
- Balance the rights of its members in the accommodation process.

Manager/Supervisor Responsibilities:

- Respond promptly to an employee about the need for accommodation.
- Be prepared to evaluate the options for reasonable accommodation.
- Actively participate in discussions with other stakeholders in the process (employee, union, Human Resources)
- Inform team members on a need-to-know basis after consulting with the employee, respecting privacy rights as appropriate.
- Respect employee privacy and maintain confidentiality.
- Ensure all work assigned is meaningful, productive, and has value to the University.
- Check in with the employee to understand if accommodation measures need to be changed or if the agreed-upon solution has not worked as it was intended and explore ways to modify the arrangements.

To access these supports, or for general inquiries relating to employee accessibility services, please contact Human Resources at wellness@ecuad.ca.