



Kitigan Zibi Anishinabeg

**WORKPLACE  
ACCOMMODATION  
POLICY AND PROCEDURES**

January 2012

## **PREAMBLE**

The Kitigan Zibi Anishinabeg Band Council is committed to providing a safe, healthy, respectful and harmonious working environment; which fully abides by all applicable laws of the workplace; which allows and creates priority opportunities for its membership

## **VISION STATEMENT**

The Kitigan Zibi Anishinabeg through its peoples, shall strive to achieve a balanced society where every member has an equal opportunity to fulfill their individual potential, in a safe, sustainable environment on traditional lands, where the spiritual, cultural, physical and mental well being can be achieved and where the basic human needs can be attained.

# WORKPLACE ACCOMMODATION

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## SECTION I. OUR POLICY

The Kitigan Zibi Anishanbeg and its administrative sectors are committed to fostering an inclusive workplace where all indeterminate and term contract employees are treated with respect and dignity.

The Kitigan Zibi Anishinabeg will act in a manner consistent with its legal obligations under the *Canadian Human Rights Act*.

The Kitigan Zibi Anishinabeg will provide a workplace that ensures equal opportunity free from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

The Kitigan Zibi Anishinabeg will provide reasonable workplace accommodation, short of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not unfairly excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer. Accommodations include reasonable notice and specific timeframes.

## SECTION II. APPLICATION OF THE POLICY

This policy applies to all current and potential employees of the Kitigan Zibi Anishinabeg including: full and part-time, casual, indeterminate and term contract employees. This policy applies to every office/ workplace within the community under the auspices of the Kitigan Zibi Anishinabeg.

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This policy also applies to employees on approved leave including: short and long term sick leave, maternity/parental, education/training and job applicants.

This policy applies to all aspects of employment including, but not limited to: recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment.

### SECTION III. DEFINITIONS

**Accommodation** means taking steps to eliminate the different and negative treatment of individuals or groups, protected under the *Canadian Human Rights Act*.

**Administrative Purpose** in relation to this policy is the use of personal information about an individual, means the use of that information in a decision making process that directly affects that individual

**Employee** is defined in the Human Resources Policy is a person employed by the Employer

**Employer** is the Kitigan Zibi Anishinabeg

**Job Applicant** is an individual seeking any type of employment with the Kitigan Zibi Anishinabeg

**Privacy Act** is the Act to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information.

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**Undue Hardship** occurs when accommodation adjustments to the workplace would cost too much, or create risks to health or safety. There is no precise legal definition of undue hardship or a standard formula for determining undue hardship. Each situation will be viewed as unique and assessed individually.

**Service Directors** are those employees who have delegated responsibility to ensure and implement policies and procedures within the scope of their administrative responsibilities. They also have the authority to approve, manage and recommend any changes or tasks required to carry out the duty to accommodate. There are four Service Directors which are: Kitigan Zibi Community Services, Policing, Health and Social Services and Education.

### **SECTION IV . RESPONSIBILITIES AND EXPECTATIONS**

The duty to accommodate is a shared responsibility between employees, supervisors and the Kitigan Zibi Anishinabeg, as the employer.

The Kitigan Zibi Anishinabeg is responsible for:

- ✦ eliminating barriers that prevent people from accessing, or being included in, the workplace;
- ✦ minimizing the need for individual accommodation by regularly reviewing rules, policies, by-laws and practices to ensure that they are not discriminatory;
- ✦ ensuring that all employees and job applicants are advised of their right to be accommodated;
- ✦ dealing with requests for accommodation in a timely, confidential and sensitive manner;

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- ✦ providing individual accommodation to the point of undue hardship; and
- ✦ ensuring that this policy is effectively implemented.

**Supervisors** are responsible for:

- ✦ fostering an inclusive work environment by treating all employees and job applicants with respect and dignity;
- ✦ identifying and eliminating barriers that prevent people from accessing, or being included in, the workplace;
- ✦ dealing with requests for accommodation in a timely, confidential and sensitive manner;
- ✦ involving individuals requiring accommodation in the search for accommodation;
- ✦ informing individuals requiring accommodation about what information they need to provide to be accommodated; and
- ✦ initiating a discussion about accommodation when they are aware that an employee or job applicant may have a need for accommodation, but is unable, for any reason, to articulate that need.

**Employees and job applicants** are responsible for:

- ✦ making their accommodation needs known, to the extent that they are able;
- ✦ helping to identify potential accommodation options;
- ✦ providing documentation in support of their request for accommodation, including information about any restrictions or limitations; and
- ✦ accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.



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**Employees and job applicants can expect:**

- to be treated with respect and dignity;
- to have their needs accommodated up to the point of undue hardship; and
- to be informed of the reasons, if their accommodation request is denied.

### **SECTION V. PROCEDURES FOR ACCOMMODATION**

#### **Job Applicants**

When contacted for an interview, job applicants will be advised that the Kitigan Zibi Anishinabeg has an accommodation policy and asked whether he or she requires accommodation to participate in the hiring and selection process.

The Human Resources Coordinator will evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation. If a request for accommodation is denied, the reasons why will be clearly communicated to the job applicant.

#### **Employees**

An employee may request accommodation by notifying his or her supervisor in writing. (see Appendix 3 form in the Human Resource Manual)

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The supervisor will document the request, including the employee's name, position and date of the request, any details provided by the employee and any accommodation options suggested by the employee.

The supervisor may request additional supporting documentation from the employee in order to identify accommodation options (e.g. details of restrictions or limitations).

The supervisor will consider accommodation options including but not limited to: workstation adjustments; reassignment of job tasks; changes to scheduling or hours of work; leaves of absence; and temporary or permanent reassignment.

The supervisor will discuss available accommodation options with the employee.

The accommodation preferences of the employee will be taken into account.

However, the supervisor may proceed with an option that is less costly or easier to provide, when it meets the employee's accommodation needs.

The supervisor will clearly communicate the reasons for his or her decision to the employee.

The supervisor will review the accommodation measures with the employee on a regular basis to confirm they continue to be necessary and effective. If the available accommodation options raise the likelihood of causing undue hardship, the supervisor will refer the matter to the Service Director for a decision.

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The Service Director will ensure that all accommodation options short of undue hardship have been considered prior to refusing accommodation. If a request for accommodation is denied, the Service Director will notify the employee in writing within ten working days and communicate the reasons why to the employee.

### **SECTION VI. APPEALS**

If an employee or applicant has been denied accommodation, is not satisfied with the accommodation offered or believes that his or her request has not been handled in accordance with this policy, may appeal the decision.

An employee must follow the “Appeal Process Guidelines” which outlines the process of appealing decisions made by a Service Director.

An employee or applicant may also file a discrimination complaint with the Canadian Human Rights Commission.

### **SECTION VII. PRIVACY AND CONFIDENTIALITY**

All records associated with accommodation requests will be maintained in a secure location, separate from employees’ personnel files and will only be shared with persons who need the information. These records will be located in the Human Resources Office.

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The Kitigan Zibi Anishinabeg and all individuals involved in the accommodation process will comply with the requirements of the Privacy Act and the work code of Ethics. Failure to comply with the Work Code of ethics may result in reprimand.

### **SECTION VIII. POLICY REVIEW**

The Service Directors and Human Resource Coordinator will jointly review this policy and related procedures on an annual basis and will make adjustments as necessary to ensure that it continues to meet the needs of all employees.

### **SECTION IX. ENQUIRIES**

Enquiries about this policy and related procedures can be made to Human Resources Coordinator at [christina.commonda@kza.qc.ca](mailto:christina.commonda@kza.qc.ca) or by phone at 819-449-5170

# WORKPLACE ACCOMMODATION

## APPENDIX 1: REQUEST FOR ACCOMMODATION FORM FROM KZA HUMAN RESOURCES POLICY, 2011

### APPENDIX 3

#### REQUEST FOR ACCOMMODATION FORM

##### IDENTIFICATION

Name of employee: \_\_\_\_\_ Empl #: \_\_\_\_\_ Ext: \_\_\_\_\_

If different, name of person making request: \_\_\_\_\_ Tel: \_\_\_\_\_

##### ACCOMMODATION NEED

Please describe your request or need: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the reason(s) for this need: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the anticipated minimum length of time this accommodation will be needed?

Permanent  Temporary  Months: \_\_\_\_\_ Weeks: \_\_\_\_\_ Days: \_\_\_\_\_

##### DOCUMENTATION

Where applicable, the necessary documentation is required before proceeding with this request. What type of documentation do you have to support this need? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of employee: \_\_\_\_\_ Date: \_\_\_\_\_

Original to be kept in the employee's personnel file  
c.c. Employee Service Director







## **KITIGAN ZIBI ANISHINABEG**

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