



AB44

ACCOMMODATION

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Effective Date: 09 February 2016
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POLICY

1. The Delta Police Department (“Department”) complies with its responsibilities under the British Columbia Human Rights Code (“Code”) to provide reasonable workplace accommodation to employees who are unable to perform their regular duties because of a disability or other protected ground under the Code short of undue hardship.

REASON FOR POLICY

2. To address the Department’s legal obligation under human rights legislation to provide reasonable accommodation to employees up to the point of undue hardship.
3. To identify the responsibilities of the parties to the accommodation process.
4. To provide a procedure for requesting and managing employee accommodations.

RELATED POLICY

AB42 Attendance Management and Support
AB52 Medical Examination

RESPONSIBILITIES

5. The Accommodation Policy applies to all employees of the Department including sworn members and police staff, who are employed full time, part time, and auxiliary. The Chief Constable or designate is responsible for the administration of the policy.



6. The duty to accommodate is a multi-party process involving the Department, the employee and, where applicable, the union.

Department

7. The Department has the primary responsibility for accommodation in the workplace. Where an employee requests a workplace accommodation on the basis of a disability or other protected ground under the Code, the Department will initiate a process to confirm the need for accommodation and to identify and consider effective options to accommodate the employee, short of undue hardship. The Department has the right to operate a productive workplace.
8. Where the Department has reason to believe that an accommodation may be necessary, the Department has a duty to make inquiries of the employee and may initiate action on its own behalf to assess whether an accommodation is needed.
9. Reasonable accommodations will be identified which are specific to the individual employee's circumstances and may include but are not limited to:
 - a) adjustments to hours of work;
 - b) changes to work stations or equipment;
 - c) provision of specific services or aids; and
 - d) reassignment of duties.
10. Accommodations may be temporary or long term in nature.
11. The Department will monitor accommodations which have been put in place and will revise, adjust or terminate accommodations as required.
12. The Department requires sufficient information from the employee to determine whether the accommodation process is engaged and to identify reasonable accommodation options. The Department may request further information from the employee initially and on an ongoing basis, including detailed medical information, an independent medical examination, or functional capability assessment.



13. The Department will maintain the privacy of employees to the extent possible by treating information provided during the accommodation process confidentially and disclosing such information only as necessary or as required by law.

Employee

14. The employee is responsible for requesting an accommodation in a timely manner including identifying the basis for the request and any limitations or restrictions related to the request for accommodation and the expected duration of the accommodation.
15. The employee is required to provide the Department with adequate information, including medical reports, in sufficient detail to assist in the process of identifying the basis for and appropriate accommodations. The employee must keep the Department informed of any changes in his or her condition relevant to the accommodation on an ongoing basis and to respond to requests for further information in a timely manner.
16. The employee is expected to participate in the accommodation process by working with the Department to identify accommodation options and to accept a reasonable accommodation.
17. The employee is responsible for facilitating and cooperating with the accommodation process, including by following any treatment or rehabilitation plan recommended by the treating physician.
18. The employee is responsible for facilitating and cooperating with the return to work process at the conclusion of an accommodation including by providing information requested by the department to confirm fitness to return to full duties.

Union

19. If the employee is a member of a union, the union is responsible for participating in, cooperating with, and facilitating the accommodation process and for assisting with implementation as required.

PROCEDURE



General

20. An employee requesting a workplace accommodation on the basis of a protected ground under the Code is required to submit a written request to the Deputy Chief of Administration. Such request should include the reason for the request and the nature and duration of the accommodation sought.
21. The employee is required to provide sufficient information including medical information to enable the Department to determine whether the policy applies and to make appropriate decisions with respect to workplace accommodations.
22. If the policy applies, the Deputy Chief of Administration or designate will assess the employee's capabilities and restrictions and conduct an analysis of the employee's position and the workplace.
23. Options for possible accommodation will be canvassed and discussed with the employee and his or her union representative if applicable.
24. If reasonable accommodation is possible short of undue hardship, an accommodation plan will be offered to the employee.
25. Once an accommodation plan is put in place, the plan will be periodically monitored to determine its effectiveness in meeting the needs of the employee and its impact on the workplace and operational needs.
26. The employee will be required to provide updated information about his or her circumstances including medical information while an accommodation plan is in place and on return to full duties.
27. Records related to accommodation requests and plans will be maintained by Human Resources. Sensitive personal information such as medical information will be managed in a confidential manner taking into consideration obligations under privacy legislation, collective agreement provisions and applicable rules or policies and procedures.

Accommodation of Disability

28. Where an employee requests an accommodation of a disability, the employee will be required to provide reports from his or her treating physician in the form required by the Department. In addition, the



- employee may be referred to a Medical Board or specialist as determined by the Chief Constable.
29. The employee will be required to provide regular medical assessments of their condition and any related treatment plan.

Accommodation of Pregnancy

30. Given the physical requirements of policing and possible risks to a member in the course of her duties, members who are pregnant are encouraged to report their condition to their supervisor at the earliest opportunity.
31. A member who is pregnant may request reassignment during her pregnancy. Such reassignment will meet the following criteria:
- a) plain clothes assignment with no visible police identifiers;
 - b) workplace environment with no uncontrolled access to the member by the public; and
 - c) duties which do not create an unreasonable risk of harm to the member or her unborn child.
32. An employee who is pregnant may be required to commence her maternity leave where the duties of her position may not reasonably be performed because of the pregnancy.
33. A member, who has not completed her probationary period before reassignment to modified duties, will have the probationary period extended to exclude the period of reassignment.
34. A member who is pregnant will not be required to participate in recertification in use of force techniques or firearms during reassignment or maternity leave.

Return to Full Duties

35. Prior to return to full duties, the employee may be required to provide certification of fitness to be assigned to full duties.
36. If certifications, including firearms and use of force certifications, have expired during the accommodation, the employee may be required to



- recertify before returning to regular or active duties as determined by the Deputy Chief of Administration or designate.
37. On return to work, the employee may be required to fulfill training requirements in accordance with the applicable collective agreement.