

3.22 ACCOMMODATION**3.22.1 INTENT:**

The Accommodation Policy aims to promote and protect the dignity and equality of all LICA Employees and outline how LICA addresses its obligations under Alberta Human Rights legislation, which is to accommodate personal needs in areas protected under legislation.

3.22.2 DIRECTIVES:

LICA is committed to adhering to the Alberta Human Rights Act, which expects Employers to take reasonable steps to accommodate Employees who are disadvantaged in relation to their work. LICA will be responsible for:

- Ensuring no discrimination exists in the Workplace.
- Building an inclusive workplace by removing barriers that are based on protected grounds.
- Considering requests for accommodation for needs based on a protected ground. Such accommodation will be made specific to Protected Grounds and to the extent that the required accommodation does not cause Undue Hardship to LICA.

3.22.3 SCOPE: Employees, Contractors, Board of Directors**3.22.4 DEFINITIONS:1**

Duty to Accommodate: The legal obligation of an Employer to take steps to eliminate disadvantages to Employees, prospective Employees, resulting from a rule, practice or physical barrier that has or may have an adverse impact on individuals or groups protected grounds. Duty to Accommodate does not apply to situations where the only resolution will cause the Employer undue hardship.

Undue Hardship: Refers to the level at which the accommodation required by LICA is not reasonable. In order to qualify as Undue Hardship, the Employer's hardship must be substantial in nature and assessed on a case-by-case basis. Undue hardship occurs if accommodation would create onerous conditions for LICA such as intolerable financial costs or serious disruption to business.

Protected Grounds: The right of Employees not to be discriminated against is protected under the Alberta Human Rights Act, RSA 2000, c A-25.5 legislation in specific areas. Those areas are referred to as ‘protected’ grounds. In Alberta, protected grounds include race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, age, place of origin, marital status, source of income, family status, and sexual orientation. Protected Grounds are defined by Alberta Human Rights as:

- **Age:** The Act defines age as 18 years of age or older, which means that individuals 18 and older are protected from age discrimination. However, there are three exceptions specified in the Act that allow for age restrictions: benefits for minors or seniors; seniors-only housing; and age-restricted condominiums, co-operative housing units and mobile home sites, providing the age restrictions were in place before January 1, 2018.
- **Ancestry:** Belonging to a group of people related by a common heritage.
- **Colour** of a person’s skin. Discrimination based on colour may include, but is not limited to, racial slurs, jokes, stereotyping, and verbal and physical harassment.
- **Family Status:** The state of being related to another person by blood, marriage or adoption.
- **Gender:** The state of being male, female, transgender or two-spirited. The ground of gender also includes pregnancy and sexual harassment.
- **Gender Expression:** Refers to the varied ways in which a person expresses their gender, which can include a combination of dress, demeanor, social behaviour, and other factors.
- **Gender Identity:** Refers to a person's internal, individual experience of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both, or neither. Gender identity is not the same as sexual orientation, which is also protected under the Act.
- **Marital Status:** The state of being married, single, widowed, divorced, separated, or living with a person in a conjugal relationship outside marriage.
- **Mental Disability:** Any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.
- **Physical Disability:** Any degree of physical disability, deformity, malformation, or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, wheelchair or other remedial appliance or device.
- **Place of Origin:** Includes place of birth and usually refers to a country or province.

Review Dates: May 8, 2024

Approval Dates: May 23, 2024

- **Race:** Includes belonging to a group of people, usually of a common descent, who may share common physical characteristics, such as skin colour.
- **Religious Beliefs:** System of beliefs, worship, and conduct (includes native spirituality).
- **Sexual Orientation:** This ground includes protection from differential treatment based on a person's actual or presumed sexual orientation, whether gay, lesbian, heterosexual, bisexual or asexual.
- **Source of Income:** Source of income is defined in the Act as lawful source of income. The protected ground of source of income includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma would not be included in this ground.

1 From Alberta Human Rights Commission: <https://albertahumanrights.ab.ca/>

3.22.5 IMPLEMENTATION:

If accommodation is required, the following process will be utilized. Typically, this process will begin at step 1 with the Employee requesting accommodation; however, management may start the process based on observation of the Employee and verbal comments regarding potential accommodation by the Employee.

Accommodation requests will vary according to each person's unique needs and will be considered, assessed, and accommodated individually.

3.22.5.1 EMPLOYEE REQUEST:

An Employee will provide a written request for a workplace accommodation to the Executive Director. This request will include:

- **Reason for Request:** Explain why accommodation is required, including what protected ground applies.
- **Supporting Documentation:** Support the request for accommodation with evidence or supporting documentation (for example, a written statement from a doctor or health care provider or written information about specific religious practices).
 - When applicable, provide medical information that explains the Employee's functional limitations and necessary accommodations, for example, medical information that the employee cannot lift more than 20 pounds for the next three months.

- Only relevant and appropriate information, explaining the limitations and/or requirements that the Employee may have with respect to their ability to fulfill the essential job duties, need be provided.
- LICA will incur the cost of any medical information or documentation requested by LICA.
- Employees may utilize the Ability to Work Form to support this process.
- The Employee is expected to provide reasonably requested documentation in a timely manner to support the collaborative approach for accommodation.
- Requested Accommodation:
- Suggest appropriate accommodation measures.
 - Indicate how long accommodation will be required.

3.22.5.2 EXECUTIVE DIRECTOR REVIEW:

- The Executive Director will review the accommodation request within a reasonable timeframe and determine whether it falls under any of the areas and grounds protected under the Alberta Human Rights Act.
- The Executive Director will advise the Board Officers of the accommodation request and provide a recommendation for approval.
- If more information is required to make a decision, the Executive Director will request more information from the Employee. This may include the request for the Ability to Work Form.
- Depending on the nature of the request and accommodations required, the Employee may receive a temporary accommodation during this decision-making process, or if deemed appropriate may be on a workplace leave.
- Upon review, the Executive Director will provide written notice to the Employee of the decision, which may be:
 - To provide the requested accommodation.
 - Provide an alternative reasonable accommodation that meets the Employee's request.
 - Not to provide the requested accommodation if the request does not meet this policy or if such request will cause LICA undue hardship. Examples of undue hardship may include but are not limited to the excessive financial cost to LICA or programs, disruption to operations, limiting LICA's ability to meet operational or safety standards, morale problems, and interference with the rights of others.

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Before refusing to accommodate, LICA will ensure that all effective options to accommodate are considered.

- Depending on the nature of the Accommodation, a specific agreement with a timeline may be provided. Employees are expected to update LICA on any changes regarding their accommodation.
- When possible, reasonable accommodation for the needs of Employees will be made for protected grounds. Depending on the specific needs of the accommodation, changes may be made to policies, working conditions, and/or physical environments to ensure that an Employee is not negatively affected because of any protected ground.
- If the Employee is not satisfied with the written decision regarding their request for accommodation, they may utilize the Grievance Procedures to appeal the decision.

3.22.6 CONFIDENTIALITY:

- It is expected that all LICA Employees and Board of Directors that are involved in the Accommodation process will respect the privacy of the Employee requiring accommodation.
- Medical information is considered personal information, and therefore, the Employee's personal information will be protected in accordance with the 3.10 Personnel Files Policy.

3.22.7 SUPPORTING DOCUMENTS:

- [Alberta Human Rights Act](#)
- Medical Ability to Work and Restrictions Form
- 3.9 Resolution Procedures
- 3.10 Personnel Files
- 3.14 Diversity and Inclusion