



# DISABILITY MANAGEMENT AND RETURN TO WORK

## Duty to Accommodate

A guide for employees and supervisors

FISHERIES AND OCEANS CANADA AND  
CANADIAN COAST GUARD  
DISABILITY MANAGEMENT AND RETURN TO  
WORK PROGRAM  
Workplace Well-Being

**Fisheries and Oceans Canada and Canadian Coast Guard  
Duty to Accommodate Guide for Employees and Supervisors**

**Table of Contents**

About this Guide .....	2
What is the Duty to Accommodate?.....	3
Bona Fide Occupational Requirements and Standards (BFOR) .....	3
Undue Hardship .....	3
Suspected Undue Hardship/BFOR .....	3
Costs.....	4
Limits on the Duty to Accommodate .....	4
Duty to Accommodate Flow Chart.....	5
Duty to Accommodate Process.....	6
Step 1: Need for Accommodation .....	6
Step 2: Documentation and Request for Accommodations .....	6
Step 3: Consultation and Information Gathering .....	7
Step 4: Making a Decision .....	7
Step 5: Implementation .....	8
Facilities Management.....	9
Information Management and Technology Services (IMTS) .....	10
Accessibility, Accommodation and Adaptive Computer Technology Program (AAACT) .....	10
Accommodation on seagoing vessels .....	10
Step 6: Follow up .....	11
Recourse .....	11
Annex A: Stakeholders .....	13
Annex B: Common Types of Accommodation Options.....	15
Annex C: References: .....	16

# Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors

## The Disability Management and Return to Work Program

Fisheries and Oceans Canada and the Canadian Coast Guard's Disability Management and Return to Work Program supports all employees, both on-shore and on-water, who are dealing with illness, injury or disability through prevention, support for recovery, accommodation, and rehabilitation. The Duty to Accommodate is part of the Disability Management and Return to Work Program.

## About this Guide

This guide outlines the steps, process, duties, and responsibilities for the Duty to Accommodate. Please refer to the Duty to Accommodate Flow Chart on page 5 for the visual summary of the process outlined below. Please note that the [links](#) used throughout the guide can be found on page 15.

## Privacy

Any information that is obtained, with the employee's consent, for the purpose of facilitating their accommodation is only shared on a need-to-know basis and to serve the purpose for which it was shared (e.g., accommodation). Personal information should only be shared if the intended recipient requires it to effectively meet their operational objectives.

As per the *Privacy Act*, Article 8 (2) (a), *subject to any other Act of Parliament, personal information under the control of a government institution may be disclosed:*

- *for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose*

The supervisor needs to know:

- How long the employee expects to be absent or if the employee is fit work while recovering; and,
- What barriers will require accommodation when the employee returns to work or in order for the employee to remain at work, if applicable.

Employees are not required to disclose their diagnoses or specific treatment to their supervisor. That information is personal and confidential. However, when taking medication that may have a negative effect on performance, the employee must inform their supervisor to mitigate any safety concerns.

## Diversity and Inclusion

At Fisheries and Oceans Canada and the Canadian Coast Guard, every employee is given fair access to employment and advancement opportunities, regardless of gender, disability, religion, sexual orientation, or ethnic origin. The Department values diversity, inclusiveness, fairness, equality, and respect in the workplace.

# Fisheries and Oceans Canada and Canadian Coast Guard

## Duty to Accommodate Guide for Employees and Supervisors

### What is the Duty to Accommodate?

*“Successful accommodation requires the collaboration of multiple parties, including the employee or candidate, the manager, the employee representative, functional specialists and co-workers.”<sup>1</sup>*

The Duty to Accommodate is a legal concept wherein employers are required to eliminate or modify barriers in the workplace that prevent employees from performing their duties or that limit access to employment opportunities based on one or more of the prohibited grounds of discrimination in the *Canadian Human Rights Act*. The employee and supervisor have a joint responsibility to work together to establish reasonable accommodations that allow the employee to return to work as soon as medically possible or to remain at work by meeting the employee’s needs based on their barriers. Employees must be accommodated up until the point of undue hardship.

### Bona Fide Occupational Requirements and Standards (BFOR)

The law recognizes that a limitation on individual rights may be reasonable and justifiable in employment situations. If an employer can show that essential requirements must be fulfilled for the effective and safe performance of a job, then no duty to accommodate arises because these occupational requirements do not constitute discrimination. For example, an individual employed as a truck driver must have an appropriate driver's licence.

The Supreme Court of Canada has established a three-step process to identify an occupational requirement:

1. The rule or standard adopted must be connected to the functions of the position.
2. The rule or standard is adopted in good faith on the grounds that it is necessary.
3. The rule or standard is reasonably necessary to accomplish the purpose or goal, in the sense that the employer cannot accommodate individuals who possess the characteristics of a particular group without incurring undue hardship.

### Undue Hardship

Under Article 15(2) of the *Canadian Human Rights Act*, undue hardship is defined as the limit beyond which employers are not expected to accommodate an employee’s disability. There is no standard formula for determining undue hardship, and each situation must be evaluated individually. When assessing undue hardship, the main factors to consider are **health, safety, and cost**.

The Supreme Court of Canada has indicated that the burden is on the employer to prove that the costs associated with the accommodation would risk the viability of the organization (the Government of Canada) or the accommodation would create health or safety risks to the person being accommodated or to others.

### Suspected Undue Hardship/BFOR

In cases where undue hardship or BFOR is suspected, the supervisor should consult the Labour Relations Centre of Expertise to discuss the Department’s responsibilities. The National Advisory Panel (NAP) Disability Management and Return to Work is also available to offer recommendations to facilitate the decision making. When an accommodation is not possible, the supervisor needs to document the

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<sup>1</sup> *Duty to Accommodate: A General Process For Managers*, Treasury Board Secretariat of Canada, 2011-11-04  
<https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/diversity-inclusion-public-service/working-government-canada-duty-accommodate-right-non-discrimination/duty-accommodate-general-process-managers.html>

## Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors

reasons why, and then examine other job options or duties with the assistance of Staffing and/or Labour Relations Advisors. A discussion should occur between the supervisor and employee, outlining the next steps as well as the recourse options available to them. Employees are encouraged to contact their bargaining agent for assistance and support early in the return to work and accommodation process. See below for [Recourse](#) information.

### Costs

All costs associated with the accommodation measures required for an employee are the responsibility of their Responsibility Centre (RC) Manager, this includes the costs of purchasing accommodation related material and equipment (including technical aids) and the costs related to assessments (e.g., ergonomic assessments, etc.). Jurisprudence has established that for federal departments and agencies, the claim of undue hardship on the basis of cost alone may not be sufficient, due to the fact that, for the purpose of the duty to accommodate and undue hardship, the Government of Canada is considered to be the employer, not the individual department/agency or supervisor. If the RC Manager is unable to cover the entire costs of the required accommodations, support from senior management (such as the Regional Management Committee (RMC), Regional Management Board (RMB), or equivalent) should be sought.

### Limits on the Duty to Accommodate

The duty to accommodate requires that employees be accommodated to avoid discrimination based on any of the thirteen (13) grounds identified in the *Canadian Human Rights Act*, section 2. However, there are limits on the duty to accommodate, including:

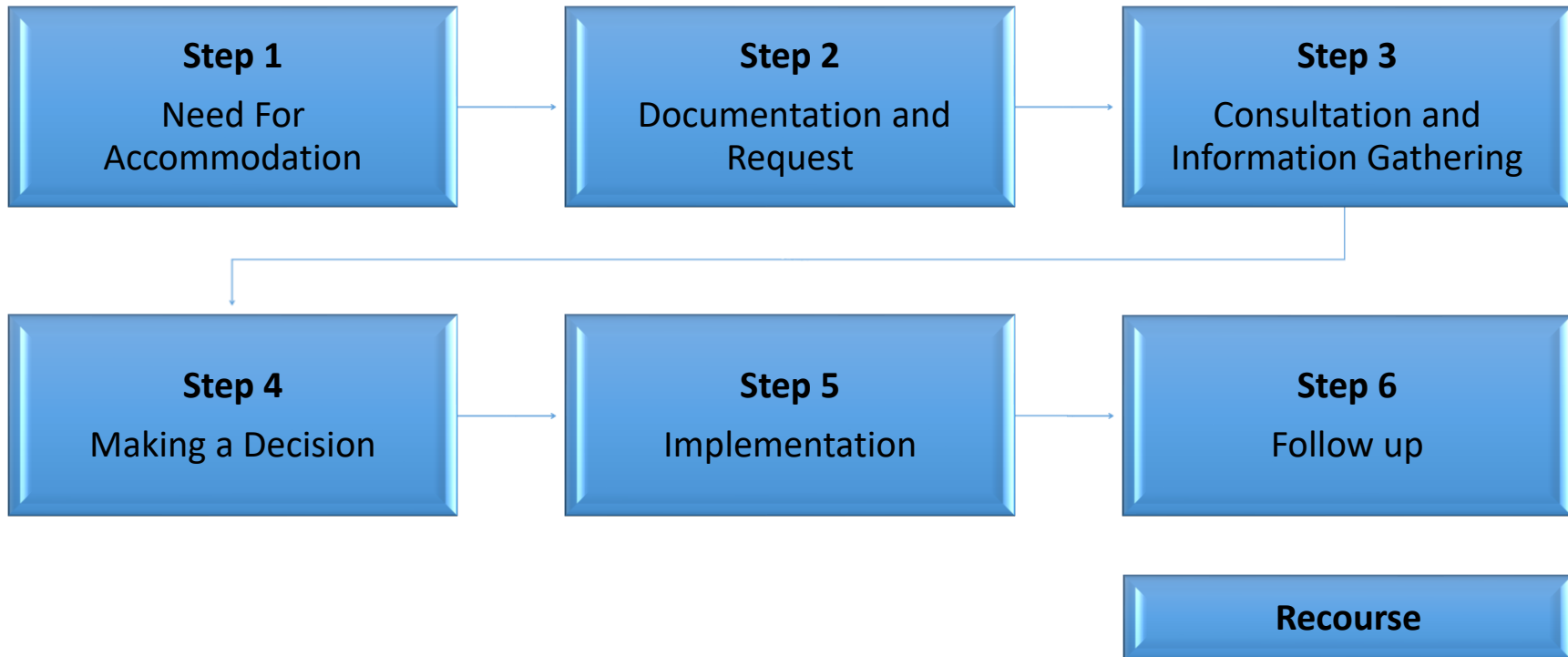
- Accommodation resulting in [undue hardship](#);
- Creating an unnecessary position;
- Retaining an employee who is unable to meet their employment responsibilities despite accommodations. Accommodated employees must be able to meet [bona fide occupational requirements and standards](#);
- Hiring a candidate who does not meet the essential qualifications required for the position; and,
- Accommodating persistent absences, if the absences are unrelated to a disability or other prohibited grounds.

While reasonable efforts are to be made to accommodate an employee within the workplace, there are some instances where accommodation requests can not be met. Accommodations that would contravene the [Canada Occupational Health and Safety Regulations](#) cannot be considered, and alternative solutions will need to be identified. For example, in the case of an employee expressing sensitivity to fluorescent lighting, lights can only be de-lamped above the requesting employee's desk, and not in corridors or common spaces.

If, on a permanent basis, it is determined that even with accommodations, the employee is not/will not be able to perform the essential duties of their existing job, efforts must be deployed to accommodate them in another position. See [Step 4: Making a decision](#) for more information.

**Fisheries and Oceans Canada and Canadian Coast Guard  
Duty to Accommodate Guide for Employees and Supervisors**

Duty to Accommodate Flow Chart



\*Note that the Duty to Accommodate is a dynamic process that may vary from the above Flow Chart.

# Fisheries and Oceans Canada and Canadian Coast Guard

## Duty to Accommodate Guide for Employees and Supervisors

### Duty to Accommodate Process

All accommodation requests should be addressed in a timely manner. Finding appropriate accommodation is a step-by-step process and all accommodation requests must be reviewed on a case-by-case basis as options and solutions may vary. Accommodations can be temporary or permanent and can be modified at any time. Please see the flow chart on the previous page for a visual representation of the steps below.

#### Step 1: Need for Accommodation

When a situation or condition arises resulting in an employee requiring accommodation (e.g., return to work following a medical leave), the employee must communicate the need for accommodation to their supervisor. As per the Duty to Inquire, the supervisor is responsible for recognizing the potential need for accommodation and reaching out to the employee, as well as for understanding the legal obligations with regards to accommodation and is encouraged to contact appropriate resources for assistance. The employee is encouraged to contact their bargaining agent for support and assistance early in the accommodation process. The [Disability Management and Return to Work \(DM&RTW\)](#) team are a resource for both employees and supervisors and can be contacted at any point during the accommodation and/or return to work process.

#### Step 2: Documentation and Request for Accommodations

In order for the employee to request accommodations due to a medical condition, illness, or disability, they must submit:

- Up-to-date and relevant information outlining their barriers. This can be provided by a medical certificate, doctor's note, or using the [Government of Canada Workplace Accessibility Passport](#); and
- A request for accommodation.

The [Government of Canada Workplace Accessibility Passport](#) is a tool that allows the employee to indicate their barriers and suggestions for accommodation. The employee may also be asked to undergo additional health evaluations e.g Fitness to work or [Functional Abilities Evaluation](#), in order to clearly indicate barriers, which assist in identifying suitable accommodations.

It is important to note that medical practitioners are responsible for identifying barriers (also called limitations and restrictions) whereas the supervisor, with the assistance of the employee, is responsible for identifying appropriate accommodations. The employee and supervisor must work together to determine how best to accommodate the needs of the employee and consult with experts if needed.

In a situation where an employee indicates that they require *full time telework or an alternative agreement under the duty to accommodate* (e.g. only one day in the office), barriers must be provided to their manager in order to determine how the employee can be accommodated and if an alternative agreement in relation to days in the office will meet the employee's accommodate needs. Note that medical certificates that state "**full time telework for medical reasons**" are insufficient as they do not provide enough information on the employee's barriers to determine adequate accommodation measures.

## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

### **Step 3: Consultation and Information Gathering**

After discussing the barriers requiring accommodation with the employee, the supervisor will need to consult with appropriate resources (e.g. the Disability Management and Return to Work Program, Labour Relations, Staffing, Regional Case Managers, health professionals or functional specialists, Facilities Management, Information Management and Technology Services (IMTS), etc.) in order to become familiar with the scope and variety of possible accommodation options. See [Annex A](#) for Stakeholder information.

The supervisor must assess the employee's work environment, tasks, and duties to determine the changes that are needed. The supervisor will then need to determine if the employee will be able to perform the essential duties of their job with accommodations, as well as to identify and mitigate any impacts on other employees. An ergonomic assessment may be an effective way to determine appropriate accommodation solutions. Note that ergonomic assessments are the responsibility of the substantive unit (booking, cost, etc.).

### **Step 4: Making a Decision**

Although the selection of the accommodation measures is ultimately the decision of the supervisor, early and ongoing collaboration with the employee will make the process more efficient and more successful. The supervisor will make an informed decision by reviewing the request and all supporting documentation. Based on available information, the most appropriate and reasonable accommodation solution(s) (effective, practical, and cost-efficient) should be discussed with the employee. Please see [Annex B](#) for common types of accommodation options.

The employee should consider any options that meet their needs and agree to a reasonable accommodation. Through consultation, a reasonable accommodation suggested by the supervisor may not be the employee's preferred option however, as long as the employee's barriers are respected it should not be unreasonably refused. Once a decision on the accommodation measures has been made, the [Accommodation/Return to Work Plan](#) should be completed by the employee and supervisor in order to document the process and the agreement of both parties.

If at all possible, an employee must be accommodated in their substantive position with modifications (duties, schedule and/or specialized equipment/furniture). In the event that this is not possible, with the assistance of Staffing and Labour Relations, a diligent search for alternative work should be conducted in the employee's unit, the branch, the Department, with the last effort being other departments in the federal public service. The National Advisory Panel (NAP) - Disability Management and Return to Work is also a good departmental resource that can assist by reviewing and making recommendations to help identify viable solutions.

Note that for accommodations for medical reasons related to the Work Arrangement Agreement regarding the number of days in the office must be discussed with the Disability Management and Return to Work (DM&RTW) team via their generic e-mail address: [DM&RTW team](#). Prior to a decision being made all other options must be discussed and considered.

The Department has an internal duty to accommodate placement list to help meet its obligations for employees requiring accommodations outside their substantive position. Employees are strongly encouraged to consider opportunities offered through the placement list.



## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

When all options have been exhausted within the Department, accommodation may mean that other departments are consulted for placement. To help with the search outside the employee's own department, the Public Service Commission offers a priority entitlement to an employee *who becomes disabled and who, as a result of the disability, is no longer able to carry out the duties of their position*<sup>2</sup>. In order to be considered disabled, the employee must be approved for disability benefits.

In some instances, accommodation may not be possible. Please see the following sections of this document for more information: [Undue Hardship](#), [Bona Fide Occupational Requirements \(BFOR\)](#), and [Recourse](#).

### Step 5: Implementation

The accommodation measures should be implemented as soon as possible taking into consideration that many of them can be put in place immediately without outside intervention.

With respect to putting in place other agreed upon measures, the supervisor is responsible for working with the employee and stakeholders through the appropriate mechanisms (e.g., Facilities Management, IMTS, Life Events through MyPay, Marine Engineering, etc.) and purchasing any required equipment or furniture. In keeping with the general requirements for procurement, prior to purchasing equipment, please ensure that the Standing Offer and Supply Arrangements (SOSA) database is consulted.

As stated in the [Costs](#) section, the RC Manager is responsible for assuming the financial costs and the implementation of accommodation measures, as well as other impacts on the workplace. If the supervisor is unable to cover the costs of the required accommodation, additional funds should be sought from senior management.

For measures that require a modification to the work environment, including hardware and software, Facilities Management and/or Information Management and Technology Services (IMTS) must be consulted (see [Facilities Management](#) and [IMTS](#) below). To identify and test specialized or adaptive equipment, an SLA has been set up with Shared Services' [Technology: Accessibility Strategy for the Public Service of Canada - Canada.ca](#) (see [AAACT](#) below). For employees on seagoing vessels, the possible accommodations are limited (see [Accommodation on seagoing vessels](#) below).

In addition to accommodations related to the physical workplace environment, alternative working arrangements may be considered. See [Annex C: References](#) section for the link to [Alternative Working Arrangements – A Guide for DFO Employees and Managers](#). Flexible hours of work, compressed work week, telework, leave with income averaging, and part-time employment are options that could be available to employees. In order to avail themselves of those options, employees must discuss with their supervisor and determine the viability of the proposed option. As previously stated, the employee and supervisor must work together to determine how best to accommodate the employee's needs and barriers.

Should the accommodation measures have a direct impact on colleagues, the supervisor must consult with the employee on their preferred communication approach.

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<sup>2</sup> *Public Service Employment Regulations, Article 7(1)*, Public Service Employment Act, 2005-11-04  
<https://laws.justice.gc.ca/eng/regulations/SOR-2005-334/page-1.html#h-720483>

## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

If, following consultation with the DM&RTW team, full time telework (or one day onsite instead of two) is the ONLY solution that meets the employee's needs, the passport (if applicable) should be updated to include all agreed upon measures and signed by both the employee and the manager, and this agreement should be entered in the platform ([Work Arrangement Agreement](#)). Note that all telework agreements will need to be reviewed on a yearly basis. [Alternative Work Arrangements - A Guide for DFO Employees and Managers | Intranet – People and Culture \(HR\) \(dfo-mpo.ca\)](#). **Duty to Accommodate requests must use the selection below in the Work Arrangement Agreement**

- Duty to Accommodate – *“Employee has a pre-approved/existing accommodation under the Directive on the Duty to Accommodate, which was assessed on a case-by-case basis in consultation with Labour Relations and/or Disability Management and Return to Work, and approved as per the Human Resources Delegation Instrument.” (Delegated manager Level 1-6)*

**Note that all decisions related to full time telework (or one day onsite instead of two) must be sent to the [DM&RTW inbox](#) for monitoring and tracking purposes.**

### [Facilities Management](#)

Facilities Management is responsible for all types of requests that involve modifications to the workspace, including space layout and design, moves and relocations, furniture adjustments, procurement and repairs, de-lamping, etc. Prior to contacting Facilities Management regarding an accommodation request, the supervisor must first contact the DM&RTW team to go over the request and discuss options for accommodation. If the DM&RTW team recommends modifications to the workplace they will contact Facilities Management directly to ask about making the changes or will provide the supervisor with their recommendation to be provided to Facilities Management. Facilities Management requests must be sent to the regional generic e-mail address or [DFO.RPEMNationalAccommodations-AmenagementsNationauxBIGE.MPO@dfo-mpo.gc.ca](mailto:DFO.RPEMNationalAccommodations-AmenagementsNationauxBIGE.MPO@dfo-mpo.gc.ca).

As noted in [Step 3](#), Ergonomic assessments must be arranged by the supervisor and any costs incurred are their responsibility. Note that Facilities Management gives priority to accommodation requests that are accompanied by an ergonomic assessment.

More information can be found at: <https://intra.ent.dfo-mpo.ca/HRCSS/RPSS/Facilities>.

Some of the accommodations that may fall under the responsibility of Facilities Management could include:

### **Furniture and Chairs**

- Costs associated with the purchase of furniture and equipment are the responsibility of the requester's RC Manager. Costs incurred by Facilities Management will be deducted from the manager's budget through a budget transfer;
- The accommodation request (and ergonomic assessment, if applicable) is reviewed, appropriate solutions are identified (in consultation with the employee), and orders are placed. Facilities Management should be contacted to ensure proper procedures are followed; and,
- Facilities Management stocks some items for urgent requests.

## Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors

### Lighting

- Contact Facilities Management for requests related to lighting, such as desk lamps and de-lamping. Other lighting requests are to be reported to the National Service Call Centre (NSCC) by E-Request <http://cnas-nsc.cpsgc-pwgsc.gc.ca/demande-request-eng.cfm> or telephone: 1-800-463-1850.

### Noise

- Requests to Facilities Management for accommodations related to noise are managed on a case-by-case basis. Solutions can include access to quiet zones or a closed office, headphones or other equipment, or alternative work arrangements.

### Information Management and Technology Services (IMTS)

IMTS is responsible for the installation of assistive technology, programs, and devices, and can assist in the purchase of hardware and software, as well as provide information on compatibility. The procurement of adaptive or assistive technology or equipment can allow employees to be accommodated within their current workspace/position. For more information on IMTS please visit: <https://intra.ent.dfo-mpo.ca/IMTS>. IMTS can be reached at [itsd-csti@dfo-mpo.gc.ca](mailto:itsd-csti@dfo-mpo.gc.ca) or 1-888-248-2210, or an IT Self-Service request can also be made from the desktop icon.

### Accessibility, Accommodation and Adaptive Computer Technology Program (AAACT)

Shared Services' AAACT program allows for the assessment and testing of systems, programs, information, computers, and computer resources that can assist with the integration into the workplace of employees with disabilities, injuries, and ergonomic requirements. A departmental Service Level Agreement (SLA) has been set up with AAACT in order allow employees to assess and test different systems and programs to identify options that meet their needs. Once appropriate measures have been determined, the supervisor is responsible for working with IMTS to coordinating any purchases. AAACT is not responsible for purchases or procurement. For questions, please contact the Disability Management and Return to Work team at: [DFO.DisabilityManagementCOE-CEGestiondelincapacite.MPO@dfo-mpo.gc.ca](mailto:DFO.DisabilityManagementCOE-CEGestiondelincapacite.MPO@dfo-mpo.gc.ca).

### Accommodation on seagoing vessels

Accommodation options are limited aboard a vessel. For employees on vessels (Coast Guard, Conservation and Protection, Science, etc.), accommodation modifications are limited given the nature of the work and the physical structure of the vessels themselves. Consequently, employees are usually offered meaningful shore-based work until they are ready/fit to reintegrate their full duties.

Nevertheless, accommodation requests should be directed to their immediate supervisor for coordination with the appropriate stakeholders (Marine Engineering, IMTS, etc.). Examples of accommodations could include:

- Special diets;
- Modifications to the personal sleeping area (mattress);
- Tailored Personal Protective Equipment (PPE);
- Assigning very tall employees on larger ships as some bulkheads can be dangerous in smaller vessels.

## Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors

### Step 6: Follow up

The supervisor should follow up regularly with the employee and modify the accommodation measures as required, which could be 1-2 weeks after the initial implementation of the accommodation and every 2-3 months thereafter. It is good practice to indicate in the [Return to Work/Accommodation Plan](#) a follow up or review period.

The employee should advise the supervisor as soon as possible if the accommodation measures have not met their needs or no longer meet their needs and should work with the supervisor to explore other options. Changes required to the accommodations due to changes in the barriers may be supported by a medical certificate or changes to the employee's GC Workplace Accessibility Passport. Accurate and up-to-date documentation on the entire accommodation process, including all steps taken and any changes or updates, must be kept by the supervisor.

The employee must notify their supervisor when services, technical aids or equipment are no longer needed, and return them. According to the [Directive on the Duty to Accommodate](#), **employees with disabilities must be allowed to retain technical aids, equipment and support materials should they move to another position within the Federal Public Service and the accommodation is still required.**

### Recourse

It is important to take a collaborative approach when working toward returning to work and the duty to accommodate. The employee and supervisor have a shared responsibility to work together to establish reasonable accommodations that allow the employee to return to work as soon as medically possible and accommodate their needs (based on their barriers). Throughout the process, good faith must be demonstrated, including considering alternate working arrangements and/or temporary accommodations. Employees are encouraged to contact their bargaining agent for assistance and support early in the return to work and accommodation process.

There are a few types of recourse available related to accommodation. When considering recourse, employees are encouraged to contact their bargaining agent.

#### Informal

Regional Management Committee (DFO) or Regional Management Board (Coast Guard) or equivalent

If appropriate accommodations cannot be identified without undue hardship, the supervisor can consult the Regional Management Committee/Board (RMC/RMB) or equivalent for recommendations to help resolve the situation.

National Advisory Panel (NAP) - Disability Management and Return to Work

In cases where the RMC/RMB or equivalent is unable to assist or the recommendations are not acceptable to one or both parties, the next step is for the employee or the supervisor to contact the Disability Management, Return to Work Program, and request a case review. The panel will review the case and ask appropriate subject matter experts to attend the meeting and provide informed recommendations. Please see the [Terms of Reference](#) for the National Advisory Panel for more information.

## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

### **Formal**

#### Grievance

According to the collective agreements, an employee may file a grievance if they feel that management has not put in place appropriate accommodation measures based on, amongst other things, mental or physical disability.

<http://www.tbs-sct.gc.ca/agreements-conventions/index-eng.aspx>

#### Canadian Human Rights Complaints

According to the *Canadian Human Rights Act*, a person may file a complaint if they feel that management has not, amongst other things, properly accommodated them at work.

<https://www.chrc-ccdp.gc.ca/en/complaints/how-file-a-complaint>

For more information on formal recourses, please visit the following website: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/936>.

# Fisheries and Oceans Canada and Canadian Coast Guard

## Duty to Accommodate Guide for Employees and Supervisors

### Annex A: Stakeholders

#### **All Stakeholders**

Throughout the Disability Management and Return to Work process, in addition to their individual responsibilities listed below, all stakeholders are responsible for providing support and guidance to employees based on respect and care, regular open communication, on a need-to-know basis, collaborating to ensure a safe, healthy and discrimination free workplace for all employees, participating in the multidisciplinary team approach with various stakeholders, participating in the development of an accommodation/return to work plan, and safeguarding the confidentiality of personal information as per the *Privacy Act*, Article 8 (2)(a).

#### **Bargaining Agents/Employee Representatives**

With the employee's consent, bargaining agents can assist and support the employee throughout the accommodation process by emphasizing the availability of resources and providing contact information, consulting and liaising with other stakeholders, accompanying the employee during discussions and meetings, assisting in the development of an accommodation plan, ensuring adequate accommodations are put in place, and, if required, representing the employee during recourse processes.

#### **Disability Insurance Providers**

Insurance providers assist with the accommodation process by reviewing and providing a decision on insurance claims, communicating with stakeholders on functional limitations and restrictions, and participating in the implementation of the return to work and accommodation process.

#### **Disability Management and Return to Work Unit (DM & RTW)**

The role of DM & RTW is to provide timely support and case management advice to employees, managers, and regional HR teams, create awareness around the accommodation process, facilitate communication among stakeholders, provide information and advice to stakeholders on prevention, support, accommodation and rehabilitation, and convene and chair the National Advisory Panel on Disability Management and Return to Work.

#### **Employee**

The employee is responsible for advising their supervisor of any barriers (medical or not) that may hinder their performance, providing supporting documentation, participating/cooperating in medical assessments or Fitness to Work Evaluations to ensure their supervisor has sufficient information about limitations/restrictions to provide a reasonable accommodation, and participating and collaborating with various stakeholders in the DTA process.

#### **Employee Assistance Program (EAP)**

The EAP is a free, confidential, and voluntary short-term psychological counselling program provided by an employer that offers assistance to employees (and their family members) dealing with distressing personal or work-related matters.

#### **Facilities Management**

Facilities Management, a part of Real Property, is responsible for the physical changes to a workspace that are required as part of an accommodation. Types of physical changes include space layout and design, moves and relocations, furniture adjustments, repairs and procurement, de-lamping, etc. In order to request physical accommodations to an employee's work space or workstation, the supervisor must first consult with the [DM&RTW team](#), and then following their recommendations must contact

## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

their regional facilities office or [DFO.RPEMNationalAccommodations-AmenagementsNationauxBIGE.MPO@dfo-mpo.gc.ca](mailto:DFO.RPEMNationalAccommodations-AmenagementsNationauxBIGE.MPO@dfo-mpo.gc.ca).

### **Informal Conflict Management Services (ICMS)**

ICMS services include consultation, conflict coaching, mediations, facilitated discussions, group interventions and workshops on various conflict management topics. To find out more information visit <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1165> or contact them directly at [dfo.ncricms-sgic.mpo@dfo-mpo.gc.ca](mailto:dfo.ncricms-sgic.mpo@dfo-mpo.gc.ca).

### **Information Management and Technology Services (IMTS)**

IMTS is responsible for requests for accommodation that involve the installation and use of assistive technology, programs, and devices. Prior to purchasing any assistive technology, programs, or devices, please consult with IMTS to ensure compatibility and functionality with network computers, and upon receipt, contact IMTS for installation. IMTS can be reached at [itsd-csti@dfo-mpo.gc.ca](mailto:itsd-csti@dfo-mpo.gc.ca) or 1-888-248-2210, or an IT self-service request can be made from the desktop icon.

### **Labour Relations Advisors**

The Labour Relations Centre of Expertise can support and offer advice to the supervisor, as required, including assisting with obtaining further information from a medical professional on behalf of the employer and providing guidance related to the management of leave according to the applicable collective agreement and the *Directive on Leave and Special Working Arrangements*.

### **Occupational Health and Safety (OHS) (DFO) / Safety and Security (Coast Guard)**

Representatives from DFO OHS/Coast Guard Safety and Security can assist in the accommodation process by working with stakeholders in the development of an accommodation plan, participating in the accommodation process where warranted, and collaborating on prevention measures and activities.

### **Regional Disability Management Advisors/Coordinators/Case Managers**

Their role is to provide support and information to employees and supervisors on disability management, return to work and accommodation. This support is offered in collaboration with Labour Relations and the Disability Management and Return to Work team.

### **Staffing**

Staffing Agents can assist in the accommodation process by identifying work placement options and proposing job opportunities for accommodation scenarios requiring a staffing action.

### **Supervisor**

The supervisor is responsible for tracking and maintaining DTA files, providing access to various resources (Employee Assistance Program, Life Events through MyPay, insurance provider, etc.), seeking advice and guidance from DM&RTW, Labour Relations Centre of Expertise and other stakeholders throughout the process, proactively addressing the needs of employees, making necessary arrangements for the employee to return to work and where required, identifying transitional or alternative work, participating in the development of an accommodation plan, as required, eliminating barriers throughout the accommodation process and covering costs related to the Duty to Accommodate.

# Fisheries and Oceans Canada and Canadian Coast Guard

## Duty to Accommodate Guide for Employees and Supervisors

### Annex B: Common Types of Accommodation Options

Accommodation options can be for psychological and/or physical conditions and generally fall under three main categories: adjustments to the work schedule, to the job duties/activities, and to the work environment. Please see below for some examples of each category.

#### Adjustments to the Work Schedule

- Alternative Work Arrangements - Flexible Work Hours, Compressed Work Week, Telework, Leave with Income Averaging, and Part-Time Employment (See [Annex C: References](#));
- Use of a gradual return to work plan;
- Temporary or permanent reduction in hours of work;
- Temporary or permanent change to part time status;
- Planning for uninterrupted work time;
- Providing for longer or more frequent breaks or stretch periods; and,
- Encouraging a self-paced workload (while remaining productive).

#### Adjustments to the Job Duties/Activities

- Providing transitional work, modified work, or temporary or permanent appointment at an equivalent or lower-level position;
- Temporary re-bundling or reassigning duties;
- Allowing additional time to learn new tasks, arranging for retraining, or coaching/mentoring;
- Dividing larger assignments into smaller tasks and goals;
- Providing written checklists and instructions; and,
- Use of electronic organizers.

#### Adjustment to the Work Environment

- Adaptive Technology and Equipment (e.g., software that reads computerized text, monitor glare guards, ergonomic mouse, or keyboard);
- Providing printed material in an alternative format (e.g., braille, large print, coloured paper, accessible PDF version, etc.);
- Arranging the work environment to support an employee's attendant, interpreter, adaptive devices, mobility aids, service animals, etc.;
- Provision of interpreters (for deaf and hearing-impaired employees) and/or personal attendants;
- Removing overhead lights (de-lamping) or increasing natural lighting;
- Reducing distractions in the workplace or around the employee's workstation;
- Providing specialized office furniture (e.g., sit/stand desks, ergonomic chairs, etc.);
- Providing access to quiet rooms or a private office;
- Increasing space within and between cubicles to allow access to a wheelchair; and,
- Relocation.



## Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors

### Annex C: References:

#### **Duty to Accommodate and Return to Work**

DFO and Coast Guard's Disability Management and Return to Work Program: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1470>

DFO Directive on Disability Management and Return to Work: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1516>

TBS: Directive on the Duty to Accommodate: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32634>

Government of Canada Workplace Accessibility Passport - DFO: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1676>

Government of Canada Workplace Accessibility Passport:

<https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/diversity-inclusion-public-service/accessibility-public-service/government-canada-workplace-accessibility-passport.html>

Return to Work/Accommodation Plan: [https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/return\\_to\\_work\\_-\\_accommodation\\_plan\\_-\\_bilingual\\_1.pdf](https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/return_to_work_-_accommodation_plan_-_bilingual_1.pdf)

Duty to Accommodate: A General Process For Managers (Limits on the Duty to Accommodate, Undue Hardship, BFOR): <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/diversity-inclusion-public-service/working-government-canada-duty-accommodate-right-non-discrimination/duty-accommodate-general-process-managers.html>

Duty to Inquire: [https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chrc\\_impaired\\_at\\_work\\_v2018-3\\_eng.pdf](https://www.chrc-ccdp.gc.ca/sites/default/files/publication-pdfs/chrc_impaired_at_work_v2018-3_eng.pdf)

Managing for Wellness - Disability Management Handbook for Managers in the Federal Public Service: <https://www.canada.ca/en/government/publicservice/wellness-inclusion-diversity-public-service/health-wellness-public-servants/disability-management/managing-wellness-disability-management-handbook-managers-federal-public-service.html>

Directive on Occupational Health Evaluations (Fit for Work Evaluation) - <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32632>

Public Service Employment Regulations, Article 7(1): <https://laws.justice.gc.ca/eng/regulations/SOR-2005-334/page-1.html#h-720483>

#### **Resources**

Alternative Work Arrangements - A Guide for DFO Employees and Managers: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1102>

Canada Occupational Health and Safety Regulations: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-86-304/index.html>

Employee Assistance Program - <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1018> or 1-800-268-7708

Shared Services: Leading the way in accessible workplaces: <https://www.canada.ca/en/shared-services/corporate/publications/accessible-workspace.html>

TBS Directive on Leave and Special Working Arrangements: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15774>

TBS Directive on Telework: <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32636>

#### **Stakeholders Website and Contact Information**

Disability Management and Return to Work Unit: [DFO.DisabilityManagementCOE-CEGestiondelincapacite.MPO@dfo-mpo.gc.ca](mailto:DFO.DisabilityManagementCOE-CEGestiondelincapacite.MPO@dfo-mpo.gc.ca)

Labour Relations Centre of Expertise: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/933>

## **Fisheries and Oceans Canada and Canadian Coast Guard Duty to Accommodate Guide for Employees and Supervisors**

Facilities Management: <https://intra.ent.dfo-mpo.ca/HRCS/RPSS/Facilities>

Information Management and Technology Services (IMTS): <https://intranet.ent.dfo-mpo.ca/imts-gist/en/node/1409>

Occupational Health and Safety (OHS) (DFO): <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1868>

Coast Guard Safety and Security - <https://intra.ccg-gcc.gc.ca/safety-securite/en/index.html>

Staffing - <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1619>

AAACT: <https://www.canada.ca/en/shared-services/corporate/aaact-program.html>

DFO and Coast Guard Unions: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1318>

Bargaining Agents: <http://www.tbs-sct.gc.ca/tbsf-fsct/340-51-agents-eng.asp>

### **Recourse**

Canadian Human Rights Complaints: <https://www.chrc-ccdp.gc.ca/en>

Collective Agreements: <http://www.tbs-sct.gc.ca/agreements-conventions/index-eng.aspx>

Formal Recourse: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/936>

National Advisory Panel Request Form: [https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/national\\_advisory\\_panel\\_request\\_form\\_2.pdf](https://intranet.ent.dfo-mpo.ca/hr-rh/sites/hr-rh/files/national_advisory_panel_request_form_2.pdf)

National Advisory Panel Terms of Reference Disability Management and Return to Work: <https://intranet.ent.dfo-mpo.ca/hr-rh/en/node/1521>