



Disability Management and Accommodation Guidelines

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1.0 Policy Guidelines Foundation

1.1. Authority

The Government of Yukon's Disability Management and Accommodation Policy sets out the obligations and requirements of the Government of Yukon for meeting the accommodation needs of employees with disabilities. This General Administration Manual policy (No. 3.59) is based on Section 8 of the *Human Rights Act* and Section 118 of the *Workers' Safety and Compensation Act*.

The Government of Yukon is committed to upholding its [duty to accommodate](#) the needs of employees with disabilities in a manner that respects the dignity of each employee.

1.2. Application

These guidelines apply to all Yukon government workplaces and to all persons hired under the *Public Service Act* and the *Education Act*. Not all people with a [disability](#) will require accommodation. These guidelines pertain only to those employees with a disability as defined in GAM 3.59

1.3. Purpose of Guidelines

The Government of Yukon, in consultation with its unions, has worked to develop and implement a [disability](#) management program for employees with disabilities that:

- assist the employer in identifying and responding to employees with disabilities;
- clarifies decision-making authorities and process responsibilities for a consistent and timely approach to accommodating employees with disabilities;
- enables employees with disabilities to have equal opportunity to be productive members of the public service; and
- commits to privacy protection measures and continuous improvement.

These guidelines outline the general philosophy, processes, roles, and responsibilities used in the Government of Yukon's disability management and accommodation process. This document provides additional guidance on how the Government of Yukon manages and accommodates employees with disabilities.

1.4. Guiding Principles

The Government of Yukon is committed to upholding the [duty to accommodate](#) employees with disabilities pursuant to the *Human Rights Act* and the *Workers' Safety and Compensation Act*. The following general principles guide the delivery of [disability](#) management, return to work, and accommodation services for Government of Yukon employees:

1. **Treat all employees with respect for dignity:** Dignity refers to self-worth, self-esteem, pride, and self-respect. Dignity is harmed when people are marginalized, ignored, devalued, or stigmatized.
2. **Prevent discrimination of any employee due to disability:** Disabled persons have the same rights as non-disabled persons to fully participate in their work environment. Such accommodation in the Government of Yukon's public service is intended to prevent discrimination on the protected ground of disability and to maintain employee access to opportunities, benefits, and a workspace free of barriers and impediments unless doing so would pose [undue hardship](#).
3. **Protect employees from the financial and social impacts of a disability:** The accommodation plan will keep employees connected to the social, emotional, and financial benefits of the workplace and reduce time away from work when it is safe to do so. Minimizing an absence due to a disability is a significant contributor to positive return-to-work outcomes for employees.
4. **Encourage all parties to act with good faith:** Disability accommodation and the health and safety of the workplace are a shared responsibility of the employer, supervisor, and employee. All parties in the accommodation process will approach their responsibilities with sincere, honest intentions.
5. **Respond to each accommodation with an individualized approach:** Each person's needs are unique. Each person with a disability must be considered, assessed, and accommodated based on facts, circumstances, and needs of each case.
6. **Take the least intrusive approach when collecting information and planning accommodations:** In good faith, a "least intrusive" approach will be taken when collecting information that is required for decision making and such information will only be shared with the individuals within the decision-making process. This information will help determine if we can provide accommodation within the employee's substantive position,

program or department. The principle of “least intrusive” approach also applies to the method of accommodation and accommodation job placement, with accommodation methods first focusing on modifying or implementing changes to the employee’s current substantive position.

7. **Protect employee privacy:** Personal information of the employee seeking accommodation will be limited to what is necessary for the identification of a disability, and preparation and implementation of an accommodation or return to work plan. Personal health information collected from the employee’s Health Care Provider will be collected with the consent of the employee, and will be used or disclosed only in compliance with ATIPP legislation.
8. **Prioritize early identification and assistance:** Through early identification and assistance, employees are provided onset support for their needs while also increasing the opportunity to have them either remain at work or return to work quickly and safely. This method benefits both the employee and employer by retaining skilled individuals in the workplace without reduction of work hours or cost, along with ongoing short-term and long-term disability management while increasing morale for the employee where they feel included and valued in their career.

2.0 Fundamentals of Disability Management and Accommodation

2.1 Duty to Accommodate

The [duty to accommodate](#) is a legal obligation established by section 8 of the *Human Rights Act* and **case law**. It occurs when a disability results in a reduction or loss of function that limits or restricts an employee's ability to meet a substantial portion of the work requirements of their position (e.g. hours of work, movements, tasks, learning opportunities, interpersonal interactions). It is most often identified when:

- An employee or someone on their behalf requests an accommodation; or
- A supervisor/manager fulfills the [duty to inquire](#) into an employee's health when the employee's attendance, performance, conduct, behaviour, or demeanour suggest that a [disability](#) may be impacting their ability to meet work requirements.

The duty to accommodate an employee may be satisfied when:

- An offer of [reasonable accommodation](#) has been accepted, or an offer of reasonable accommodation has been rejected by the employee.
- There is not sufficient information available to affect a reasonable accommodation.
- A determination is made that no accommodation can be offered without incurring [undue hardship](#).

The Employer will experience some amount of hardship or burden when accommodating an Employee. This could include things such as an adjustment to process, purchasing equipment, prioritizing an Employee for employment.

The duty to accommodate is a organization-wide duty. When it is believed that undue hardship is reached in one department, it must be considered whether a reasonable accommodation can be implemented in another one.

There are limits to accommodation, i.e., the employer is not required to eliminate essential functions of a position and may adjust qualitative or quantitative standards that are applied uniformly to employees only up to the point of undue hardship.

[Mental stress](#); stress symptoms related to the normal pressures and tensions of work do not trigger the duty to accommodate unless there is a diagnosed disability present. There are

alternative ways to address this. When a supervisor observes that an employee may be reacting to stress or an employee discloses they are experiencing symptoms of stress, the supervisor may support the employee through the range of available workplace supports available which, in most cases, do not require the collection of medical information. These supports are available through employer policies, programs, and collective agreement commitments, such as:

- Employee and family assistance program;
- Flexible work arrangements;
- Occasional or short-term sick leave;
- Special or personal needs leave to attend appointments;
- Early intervention services through the long-term disability insurance provider;
- Conflict resolution or coaching services from the Conflict Management Services;
- Extended health benefits for psychological and other allied health services;
- Workshops offered by the organizational development branch of the Public Service Commission;
- Training and learning development; and
- Work and performance planning conversations about deadlines, volume, tasks, or work barriers.

2.2. Disability Management

[Disability](#) management refers to the coordination of resources to support an employee with a disability that impacts their ability to participate in the workplace. The goal is to support the employee so they can either remain at work or achieve a safe and sustainable return to work. It is a collaborative process of assessing, planning, implementing, coordinating, monitoring, and evaluating the options and services available to meet an individual's health needs.

2.3. Reasonable Accommodation

The reasonableness of an accommodation is assessed against the particular facts and circumstances of each individual case. To be reasonable, an accommodation must:

- Meet the employee's [limitations](#), [restrictions](#), and abilities;

- Be safe and does not put the employee or co-workers at risk or hinder the employee's recovery; and
- Be meaningful in that the work makes sense, has a point, and benefits some greater good (the work is something that the employer conceivably could pay someone to perform).
- Ensure the employee has the skills and qualifications to perform the work to a satisfactory level of performance.

Reasonable does not mean perfect. A [reasonable accommodation](#) may not be the employee's preferred job. Reasonable appointment might mean a classification to a lower-level: A nurse may move to administration support or work a different schedule.

A Department representative and the Disability Accommodation Consultant (DAC) may sometimes disagree regarding the appropriateness of an accommodation. In the event of a disagreement the DAC will prepare a written summary of their assessment of the reasonableness of the accommodation and the Department representative will provide a written response that provides their assessment of the reasonableness of an accommodation. If an agreement cannot be reached after reviewing both written perspectives, the PSC will make a final decision on the reasonableness of the accommodation as state in section 2.1.9 of the GAM Policy 3.59: *Disability Management and Accommodation*. If an accommodation placement is deemed reasonable by PSC, appointing the individual into the position would be under the authority of the Deputy within the individual department.

2.4. Roles and Responsibilities

GAM Policy 3.59: *Disability Management and Accommodation* outlines the high-level roles and responsibilities of the Public Service Commission, departments, and employees in [disability accommodation](#). More details on the specific and additional roles and responsibilities of stakeholders are outlined in Appendix B: Roles and Responsibilities.

The Employer

The employer's role is to:

- create a barrier-free work environment by determining what barriers might affect a person needing accommodation;
- explore options for removing those barriers;

- ensure information requests take the least intrusive approach and respect privacy;
- identify and arrange for [reasonable accommodation](#) in a timely manner; and
- honour any commitments in collective agreements related to disability and accommodation in their process and policies.

The employer will generally be required to adjust, and sometimes bear, some of the costs and disruptions to its operations (up to [undue hardship](#)). The employer acknowledges the shared responsibility of the employer, the employee, and the union (when requested by the employee) to work together towards the goal of reaching a reasonable accommodation.

The Union

The unions' role is to:

- Consult with the employer on behalf of their members with regards to policies related to accommodation.
- Negotiate in good faith with the employer regarding any proposed accommodation that requires amendment or modification to the collective agreement.
- Assist a member employee, when requested,* to:
 - understand and fulfill their employee duties under GAM 3.59;
 - respond to a proposed accommodation plan or an offer of an alternate position as an accommodation;
 - respond to requests from the employer for additional medical information; and
 - advise about options when a member feels aggrieved by any actions taken under this guideline.

*Union members have the right to seek support and/or representation from their union in navigating a workplace accommodation. The employer will inform employees (who are union members) of their right to representation in the accommodation process.

The Employee

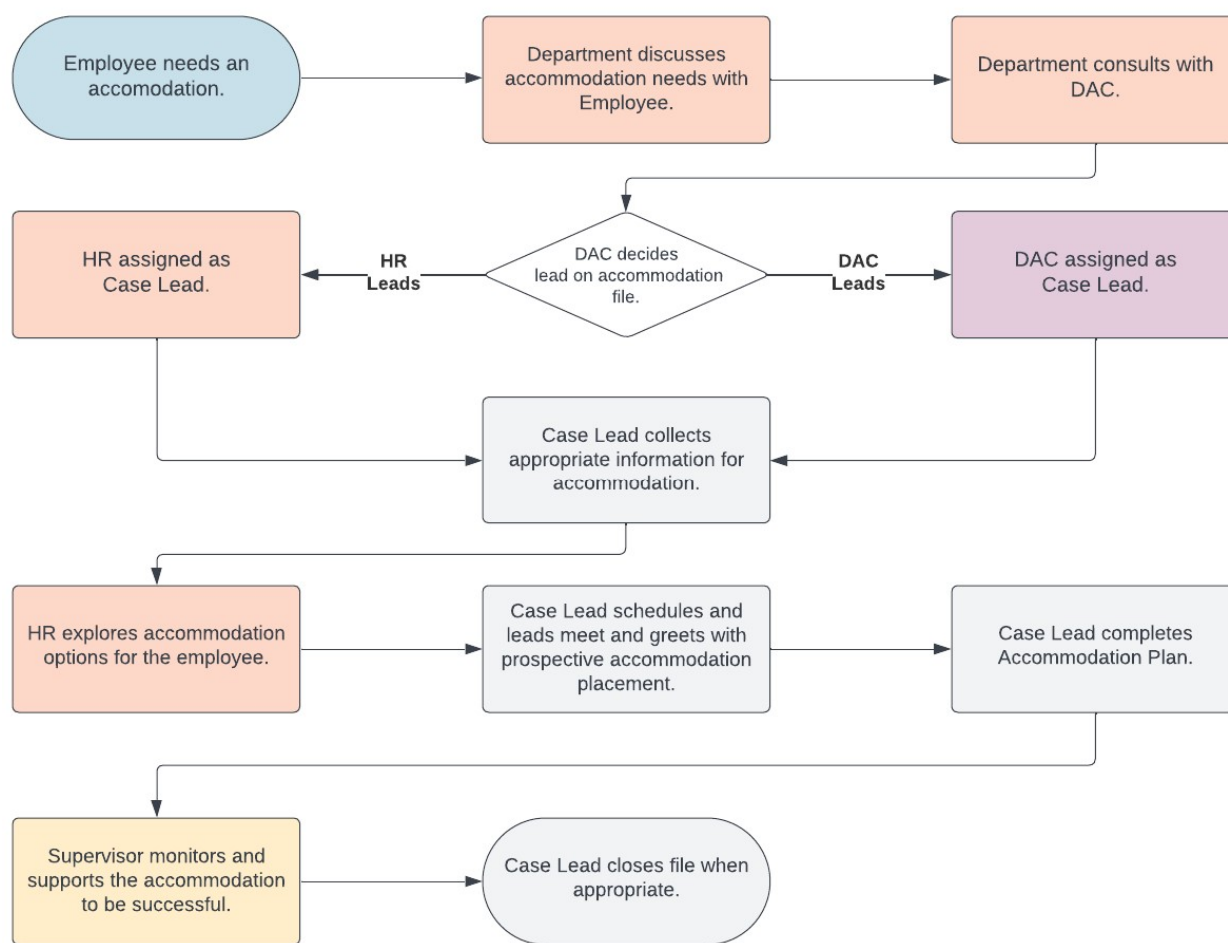
An employee's role is to:

- Actively participate in the accommodation process, including notifying the employer of their need for accommodation.
- Provide medical information and any other relevant information about their condition or [disability](#) that affects their ability to:
 - attend regular work hours;
 - perform regular duties; or
 - comply with the other terms and conditions of employment.
- Follow treatment and/or rehabilitation programs recommended by attending health professionals.
- Fully cooperate in the effort to find and try a reasonable accommodation, recognizing that any preferred or requested accommodation may not be possible.
- Accept a reasonable offer of accommodation (even if it is not their ideal or preferred job) as outlined in GAM Policy 3.59: *Disability Management and Accommodation*.
- Employee has responsibility if they disagree regarding the reasonableness of an accommodation that they provide information regarding why they feel it's unreasonable and to pursue the appropriate dispute resolution process.
- Provide reasonable notice to Employer regarding a return-to-work date and if accommodation is required (a minimum of two weeks' notice is recommended), while providing relevant medical documentation for the accommodation request as outline in GAM Policy 3.59: *Disability Management and Accommodation*.

3.0 Accommodating Employees

3.1. Overview of Accommodation Process

Note: "Department" can include departmental level human resources, management, supervisor.



3.2. Initial Assessment

When to Engage Disability Accommodation Consultant

To support early intervention and a consistent approach to [disability](#) management, the Supervisor or the Human Resources representative (Department) should consult the Disability Accommodation Consultant once they determine that inquiring about an employee's potential disability is necessary. While the Disability Accommodation Consultant does not need to manage every case, they should be engaged to provide advice and to assess whether the Public Service Commission should take a leadership role in managing the case.

The Department should reach out for consultation when:

- an employee discloses a disability;
- a medical absence that lasts four weeks or more;
- when an employee's attendance has dropped below 60% of working hours due to sick leave within a period of six weeks;
- performance changes or baseline behaviour changes that has triggered a [duty to inquire](#);
- there has been more than one fitness for duty assessment for an employee in a six-month period; or
- an employee discloses disability during a disciplinary or performance management process.

3.3. Case Management

The purpose of the Case Management Team is not overall case management, but to advise and ensure individuals are within their appropriate roles and are working together to help an employee through the accommodation process. The Case Management Team Lead determines which individuals/departments within the Government of Yukon should be included, and the individuals chosen are reflective of the employee's situation. The Case Management Team Lead may hold meetings to discuss or determine management and employer decisions that will not include the employee or union.

The goal of case management is to help employees remain at work or facilitate an early and safe return to work. Successful outcomes require effective case management and include:

- early identification – determined through an employee's disclosure or employer observation;
- information gathering and case analysis – whether sufficient information is available;
- understanding of the [duty to accommodate](#) – having a clear understanding of these guidelines;
- creative thinking – when identifying accommodation options;
- using a team approach – shared expertise, communication, and accountability;
- timely decisions – based on timely flow of information and communication; and
- coordinated and efficient management of workplace issues – carried out proactively and concurrently with case management.

Case Management Lead

The Case Management Lead can be either the Disability Accommodation Consultant or HR depending on who is leading the case. The Case Management Lead is responsible for:

- Determining who is on an employee's case management team.
- Scheduling meetings and creating agendas.
- Making decisions, when there is no clear authority, based on consultations.
- Identifying the authority, when required to do so, and indicating who is responsible for making decisions within the process.

3.4. Communication

When an employee is away from the workplace, the Case Management Team Lead ensures the employee has a point of contact who will:

- provide the employee with updates and information about the workplace; and
- exchange information (including medical information) to assist with return to work and accommodation planning.

Ongoing communication between the point of contact and the employee should consider:

- the method by which the point of contact and employee will stay connected;
- the frequency of communication that works best for the individual employee; and
- the timely provision by which the employee provides information to the employer regarding the employee's plan for return.

3.5. Gather Documentation

The employer requires clear and current medical and personal information to:

- Confirm a [disability](#) has triggered the [duty to accommodate](#);
- Verify that an employee is ill and entitled to sick leave benefits; and
- Understand an employee's [functional abilities](#), work experience, transferrable skills, and education to plan a reasonable accommodation.

Options for obtaining medical clarification for accommodation purposes will be considered by the Disability Accommodation Consultant and the Department based on the facts and circumstances of the case and, with the employee's consent, which include the following:

- Conversations with the employee – Good faith conversations should occur as part of the duty to inquire and/or to understand the employee's medical information. *Individuals involved with this conversation include the Disability Accommodation Consultant, Human Resources, and/or the employee's supervisor.*
- Medical Absence Form (MAF) – This form used to verify that an employee's absence is for illness or injury can also be used to support the need for accommodation. It provides reporting of limitations and duration of limitations. The employee should discuss with their supervisor whether it is necessary to have a health care provider complete this form.
- Letter of Inquiry – This letter is from the employer to the health care provider asking specific questions regarding the employee's medical condition. (This information is shared with the employee who can take the letter to their health care provider, or consent to the Disability Accommodation Consultant sending the letter to the health care provider). *The Disability Accommodation Consultant is the only individual who can initiate this process.*
- Referral to medical assessment or rehabilitation services contracted to the employer consulting with long-term disability and worker compensation claim managers. *The Disability Accommodation Consultant is the only individual who can initiate this process.*
- Independent Medical Evaluation (IME) – A medical evaluation performed by an independent specialist qualified in the specific area of expertise related to the employee's condition (e.g., psychiatry, occupational medicine, etc.). The IME provides

objective and limited reporting and does not establish a therapeutic relationship with the client or provide treatment. *The Disability Accommodation Consultant is the only individual who can initiate this process.*

Keeping in mind the principle of acquiring necessary information by the least intrusive method possible, the Disability Accommodation Consultant decides on the above options and delegates and coordinates any required action.

Create and Implement Accommodation Plan

Both GAM Policy 3.59 and the *Disability Management and Accommodation Guidelines* outline accommodation options. The Department may contact a Disability Accommodation Consultant for advice on any of these.

3.6. *Bona Fide Occupational Requirements (BFOR)*

A [bona fide](#) (or good faith) occupational requirement is a standard or rule that is integral to carrying out the functions of a specific position. For a standard or rule to be considered a bona fide occupational requirement, an employer must establish that any accommodation or changes to the standard or rule would create an undue hardship. Bona fide occupational requirements are specific to an individual position. Some examples include:

- A standard of correctness in the dispensing of medication in a health care facility.
- The rule that safety gear must be worn in dangerous worksites.
- A requirement that a delivery driver, have a driver's license.

To defend that a standard is a BFOR, the employer must show actual evidence supporting the employer assertions about the risks and consequences. Anecdotal or impressionistic evidence is, generally, insufficient.

Disability Accommodation Consultants can assist in determining whether a standard is a BFOR and they may consult Labour Relations for this purpose.

An important step in considering an accommodation is to determine the [BFORs](#) of the employee's substantive position. Removing some tasks that are not BFORs may provide sufficient accommodation for either the short or long term.

3.7. Accommodation Methods

Accommodation methods first focus on modifying or implementing changes to the employee's current substantive position. When an Employee cannot be accommodated in their substantive position other methods of accommodation can be considered. This could include use of a Temporary Assignment where an employee is temporarily assigned to another position, in which they can perform a reasonable amount of the essential tasks with or without modifications, as comparable to an underfill employee or a person early in their career.

Temporary assignments may be used for the following purposes:

- Supporting work hardening or recovery periods: Supporting employees while they rebuild physical ability, strength, endurance, self-confidence, and skills. Keeping them connected to the workplace while they recover with a goal of returning to their substantive position or as close to their pre-disability work hours as possible. This can also include modifying how and when tasks are performed (schedule or pace of work) and implementing changes to the physical work environment or equipment.
- Understanding their [restrictions](#) and [limitations](#): Recognizing that some medical conditions change over time or are hard to diagnose and providing employees with alternate work arrangements while they participate in treatment or assessments to support accommodation planning. This also includes modifying performance expectations with the employee's capabilities so they can perform essential tasks of their substantive position.
- Assessing the employee's transferrable skills: When restrictions and limitations may permanently limit the employee's ability to perform the essential requirements of their substantive position or occupation, alternate work arrangements may be used to understand what may be a reasonable change in an employee's occupation.

3.8. Plan for Return to Work

Though return-to-work planning is usually transitional and generally for a fixed duration, it can also be a flexible process depending on employee needs. It:

- Provides a roadmap for supervisors/managers to proactively assist an ill, injured, or recovering employee to return to work in a safe and sustainable manner.

- Helps the employee potentially return to their substantive position either with or without modifications.
- Allows for other accommodation options to be identified with the employee.
- Addresses the modifications to work, how the employer will monitor success, and how it will be communicated.

Appendix A: Definitions

Bona Fide Occupational Requirement (BFOR)

A BFOR is a standard or rule that is integral to carrying out the functions of a specific position. For a standard or rule to be considered a BFOR, an employer must establish that any accommodation or changes to the standard or rule would create an undue hardship.

As stated in the Meiorin decision, for a standard or rule to be considered a BFOR, it must meet the following three-step test:

1. that the employer adopted the standard for a purpose rationally connected to the performance of the job;
2. that the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfilment of that legitimate work-related purpose; and
3. that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.

Disability

a mental or physical disability as defined by s.37 of the *Human Rights Act*.

Under the Yukon Human Rights Act:

“mental disability” means any mental or psychological disorder such as organic brain syndrome, emotional or mental illness, or learning disability;

“physical disability” means any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness and includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a service animal or on a wheelchair or other remedial appliance or device;

Duty to accommodate

The employer’s legal obligation, up to the point of undue hardship, to make reasonable adjustments to rules, job requirements, policies, practices, and work assignments to enable employees to participate fully in employment.

Duty to inquire

The obligation of an employer to ask questions of an employee regarding observed or reported changes or deficiencies in the employee’s attendance, behaviour, or work performance to assess if the employee might have a disability, including a substance use disorder that is affecting their ability to perform their duties which may require accommodation.

Functional abilities

The physical and mental capabilities of the employee, focusing on their restrictions and limitations.

Limitations

Circumstances where exposure could increase symptoms and decrease success and/or sustainability in a workplace role. For example, following knee surgery, an employee is limited in climbing stairs. The limitation does not mean they cannot climb stairs at all, but exposure to that activity should be limited so as not to increase pain symptoms.

Mental stress

When an employee experiences symptoms and reactions related to normal workplace stressors. Workplace stressors could include but are not limited to a change in the work to be performed or working conditions, or promotion, transfer, demotion, discipline, suspension, termination, workload fluctuations or assignment changes, timeline pressures, interpersonal conflict, performance evaluation, burnout, and dissatisfaction with the work environment.

Reasonable accommodation

An accommodation that balances the employee's needs with the rights of other employees, and the employer's right to run a productive organization. A reasonable accommodation addresses the employee's limitations, restrictions, and abilities; is safe and does not put the employee or co-workers at risk or hinder recovery; and is meaningful work in that the work makes sense, has a point, and is something that the employer would normally pay someone to perform.

Restrictions

Activities a person should not undertake in order to avoid direct medical harm. For example, an employee with a heart condition is restricted from performing work demanding physical exertion and heavy lifting as these could trigger a heart attack.

Undue hardship

A reasonable limit to how far an employer or service provider must go to accommodate an employee's needs. There are times when accommodations are not possible due to costs or health and safety risks.

Appendix B: Roles and Responsibilities

Duty to Inquire

Employee Role	Supervisor Role	HR Role	Disability Accommodation Consultant (DAC) Role
<ul style="list-style-type: none"> • In good faith, disclose difficulties in the workplace to a Manager or HR. • Inform Supervisor or HR if any medical issues may impact their ability to do their job. • Information provided including: presence of a disability, impaired function at work due to health/medical condition. 	<ul style="list-style-type: none"> • Initiate the duty to inquire. • Consult departmental HR when there is a concern that an employee may have a disability or when the employee indicates they have a disability. • Prepare for and initiate discussion(s) with employee when there are concerns that an employee may have a disability and follow up as needed. • Inform employees about the employer's duty to accommodate and the accommodation process. • Share appropriate support resources to employee (e.g. EFAP) • Document the disability accommodation process specific to the employee. 	<ul style="list-style-type: none"> • Ensure duty to inquire is a standard topic of training for managers. • Coach supervisors on best practices for building a psychologically safe culture in their program area. • Provide consultation to supervisor on when and how to inquire about a disability. • Consult with DAC regarding duty to inquire. • Ensure the duty to inquire discussions are properly documented and archived appropriately. 	<ul style="list-style-type: none"> • Provide duty to inquire advice based on subject matter expertise, advanced training and knowledge of current case law and disability/accommodation best practice. • Provide advice on the duty to inquire for HR and supervisor, including advice on language, tone, content, approach, who best to complete. • Provide clear direction regarding when to engage with DAC for follow up consultation.

Information Gathering

Employee Role	Supervisor Role	HR Role	DAC Role
<ul style="list-style-type: none"> • Consent to Employer collecting, retaining, and sharing medical information. • When engaging with health care provider do so in good faith regarding how their disability is impacting their function in the workplace. • Submit medical documentation which confirms disability and related functional restrictions and limitations. • Participate in good faith in any required assessments (e.g. FCE, IME). 	<ul style="list-style-type: none"> • When Employee provides medical directly to Supervisor, they will accept the information, in good faith, and engage in further consultation if required (e.g. HR, DAC). • Collaborate with HR on the need for additional information to help identify accommodation options. • Document and provide factual and objective information regarding concerns about employee performance/function to Case Management Team. 	<ul style="list-style-type: none"> • Notify and consult DAC when an accommodation file is opened. • Shares only necessary information with DAC to determine if DAC is involved and/or determines the approach. • Support Managers and Supervisors on decision making regarding the collection of initial medical information (conversations, medical note, MAF) ensuring that the information is collected in good faith and in the least intrusive way for the situation. • Review initial medical provided by employees. If it is sufficient information to proceed, the process will move forward. If there is any ambiguity, consult with DAC before asking for more medical details. • Ensure that the medical information is documented and archived appropriately to preserve the continuity of records. 	<ul style="list-style-type: none"> • Assess/consult to determine role of Disability Accommodation Consultant and what action/role Departments should take and whether to open a file with PSC. • Provide assessment of information (medical, functional report, employment-related information) and determine the role of DAC (consult or case manage). • Decide what information may need to be collected and how. • Assess medical information to determine if it's sufficient or more information is required. • Decides what is best tool or approach for gathering additional medical information. • Communicates directly with healthcare providers and ask specific questions to confirm disability and to inform how the Employer can accommodate.



Accommodation Planning

Employee Role	Supervisor Role	HR Role	DAC Role
<ul style="list-style-type: none"> ● Engage in regular and respectful communication with Case Management Team. ● Participate in Case Management meetings as required. ● Actively participate in exploring accommodation options. ● Cooperate, in good faith, in the effort to find and participate in a reasonable accommodation, recognizing that any preferred or requested accommodation may not be possible given the individual circumstances. 	<ul style="list-style-type: none"> ● Remain open minded and consider the implementation of accommodations for employees requiring medical accommodation – their role as a supervisor and the obligation of the Employer to, in good faith, prioritize and consider accommodations to fill vacancies. ● Open to doing things differently within a job. ● Before deciding a job requirement is a bona fide occupational requirement consult with HR. 	<ul style="list-style-type: none"> ● Know when to reach out to the DAC. ● When the DAC is taking case lead, communicate by providing introduction of DAC to employee. ● Manage the collection of employee's resume, transferrable skills, education, experience, and training (if out of substantive position is required). ● Search Department(s) for opportunities to accommodate an employee (e.g., vacant positions, temporary projects, bundled duties, etc.). ● Document jobs assessed and actions taken to find jobs. ● Follow recommendations from DAC to involve other service areas such as RWO for non-medical issues and will take leadership on those elements. ● Document a Department's decision not to follow a recommendation from DAC. 	<ul style="list-style-type: none"> ● Establish who will lead and who is included in the Case Management Team. ● Identify the authority, when required to do so, and indicating who is responsible for making decisions within the process. ● Communicate to the employee on the process of collecting medical information: who will it be shared with, what will it be used for, what pieces need to be shared, etc. <ul style="list-style-type: none"> ○ Decide which medical information is given to Labour Relations, Human Resources, and Supervisor. ● Assess medical information to identify the restrictions and limitations that relate to work. ● Assess whether the medical information meets the employers needs to fulfill its duty. ● Assess whether contents are recommendations or requirements. ● Decide if the duty to accommodate has been triggered. ● Recommend a method of accommodation. ● Assess medical information in relation to other presented or contextual information. ● Assess medical information to advise on whether there is a nexus between disability and behaviour or workplace issue in context of discipline/conflict.

Employee Role	Supervisor Role	HR Role	DAC Role
		<ul style="list-style-type: none"> • If a disagreement occurs, regarding duty to accommodate, they implement an action to escalate to other decision makers. • Consult with their team and DAC before posting any position for competition to determine if there is a person suitable who requires accommodation. 	<ul style="list-style-type: none"> • Write the accommodation plan based on the information gathered (medical, context, and operations). • Decide when to escalate recommendations to higher levels of management for advice. • Oversee accommodation process, when required. • Determine if intervention services are appropriate and provide advice on steps to access such services.



Long-Term Leave (e.g., LTD, WSCB)

Employee Role	Supervisor Role	HR Role	DAC Role
<ul style="list-style-type: none"> • Complete and submit all required documentation. • Communicate and participate directly, as required by the Insurer. • Provide updates to the Case Management Team — status of claim and updated medical information. 	<ul style="list-style-type: none"> • Flag to HR when employee is on an extended leave (defined as a long period of absence from work that is granted by the employer), or less than 60% of substantive duties. • Maintain regular contact with employees who are on extended leave. • Submit appropriate leave on employee's behalf when required. 	<ul style="list-style-type: none"> • Ensure people managers understand the timelines and processes for applying for insurer benefits. • Liaise with the employee and DAC to provide information about LTD benefits. • Complete appropriate documentation for insurer in a timely manner. 	<ul style="list-style-type: none"> • Provide advice on when LTD would be appropriate. • Provided advice regarding potential implications on LTD eligibility (e.g. long-term temporary assignments). • Provide Employee with clarification of the process to completion of LTD application. • Initiates Employer Statement for LTD application. • Primary contact between LTD provider and Employer – including providing clarification, follow up during application process. • Communicates to department Employee's claim status. • Primary contact between LTD provider and Employer to support RTW discussions and process/planning.



Accommodation Implementation and Follow Up

Employee Role	Supervisor Role	HR Role	DAC Role
<ul style="list-style-type: none"> ● Review implementation of accommodation plan with Supervisor. ● Accept and sign off on accommodation plan. ● Perform assigned duties (regular/modified) as described within the accommodation plan. ● Participate in regular check in meetings as outlined in accommodation plan. ● Communicate updates/changes to function/medical. ● Communicate any challenges in accommodation placement. 	<ul style="list-style-type: none"> ● Understand the duty to accommodate and actively participate on Case Management Teams and all processes to facilitate an accommodation. ● Implement an accommodation with the assistance of HR. ● Provide support for employees being accommodated – orientation, training, implementation of the accommodation plan. ● Prepare and submit leave requests for an employee on a gradual return-to-work plan or when an employee is unavailable to submit a leave request due to extended or unexpected absences. ● Assist employees in accessing or tracking their sick leave. ● In conjunction with HR, support accommodations and approval of funding. ● Foster a culture of support and openness with all employees in the return to work and accommodation processes. ● Ensure accommodation plan is implemented and provide updates to HR/CMT if there are concerns. ● Notice changes in employee performance, behavior, and attendance and provide feedback and address with support from HR. 	<ul style="list-style-type: none"> ● Understand the duty to accommodate and actively participate on Case Management Teams and all processes to facilitate an accommodation. ● Support supervisors to provide appropriate orientation to accommodate employees. ● Process necessary supporting documentation (AAA, Letter of Offer, etc.). ● Monitor timelines and vacancies to ensure accommodations are prioritized. ● Communicate with supervisors regularly to ensure appropriate implementation of the accommodation. ● Support supervisors to communicate with the employee about their performance in a timely manner and to support Supervisors when they address this feedback. When appropriate, keep DAC appraised of progress, obstacles, or complexities in the accommodation. ● Foster a culture of support and openness with all supervisors in the return to work and accommodation processes. ● Ensures that the decision to end a temporary accommodation (especially if it is ended early) is documented including why the decision was made and how it was communicated to the employee. This should be sent to DAC. 	<ul style="list-style-type: none"> ● Provide advice on any changes, performance or behavior and any connection to disability and requirement for further duty to inquire. ● Participate in CMTs as required.



	<ul style="list-style-type: none"> Decide if a temporary accommodation is ending (in consultation with HR). 		
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Other Participants

Role	Responsibilities
Deputy	<ul style="list-style-type: none"> Ensures accommodation request is met. Manages budget for accommodation request with department accountant. Delegates responsibilities and authorities to Managers as described in the <i>Public Service Act</i>. Makes final decisions regarding employees' position or transfer after consulting supervisor, Disability Accommodation Consultant, and Human Resources.
Attending Physicians/Medical Professionals/Health Care Providers	<ul style="list-style-type: none"> Examine, diagnose, and treat disabled, ill, or injured employees and monitor their recovery. Complete necessary forms/reports in a timely fashion and identify the need for necessary specialist evaluations. Provide clear medical advice regarding an employee's limitations and restrictions (including the permanency of each), prognosis, and return to work prospects. Provide advice to Disability Accommodation Consultant on a consultative basis, as needed.

Role	Responsibilities
Insurance Carriers (LTD Provider and YWCHSB)	<ul style="list-style-type: none"> • Assess and determine benefit entitlement and issue benefit payments. • Provide assessment and rehabilitation services, long-term disability, and worker's compensation cases. • Monitor and review claim, consult with Disability Accommodation Consultants and Human Resources as required, and provide regular updates to Disability Accommodation Consultant on individual cases. • Decides on claim outcome, long-term disability, and benefits that are owed. • Advise with as much advance notice as possible when an employee can return to work.
Labour Relations	<ul style="list-style-type: none"> • Advise Human Resources staff and Accommodation and Return to Work Service staff on relevant case law: accommodation, performance, discipline, undue hardship, participation, terms/conditions of employment, or collective agreement issues (interpretation and recommendations). • Negotiate with Union/Association where an employee's accommodation needs require modifications to, or arrangements outside of, the collective agreement. • Discuss grievances or potential grievances with a union advisor.

Role	Responsibilities
Conflict Management Services	<ul style="list-style-type: none"> • Provide advice and support to the Case Management Team for addressing identified workplace conflict issues. • Work with employees and supervisors to address conflict in the workplace.
Union Representative	<ul style="list-style-type: none"> • Consult with the employer on behalf of their members with regards to policies related to accommodation; • Negotiate in good faith with the employer regarding any proposed accommodation that requires amendment or modification to the collective agreement; • Assist a member employee, when requested,* to: <ul style="list-style-type: none"> ○ Understand and fulfill their employee duties under GAM 3.59; ○ Respond to a proposed accommodation plan or an offer of an alternate position as an accommodation; ○ Respond to requests from the employer for additional medical information; ○ Advise about options when a member feels aggrieved by any actions taken under this Guideline • *Union members have the right to seek support and/or representation from their union in navigating a workplace accommodation



Appendix C: Reference Documents

Key Policy Document

Government of Yukon, General Administration Manual, Volume 3: Human Resource Policies –
Policy 3.59: Disability Management and Accommodation

Relevant Documents

- Government of Yukon, General Administration Manual, Volume 3: Human Resource Policies –
 - Policy 3.8: [Confidential Employees](#)
 - Policy 3.13: [Leave with Pay](#)
 - Policy 3.17: [Attendance and Work Breaks](#)
 - Policy 3.27: [Leave Without Pay](#)
- [Human Rights Act](#)
- [Government of Yukon/PSAC Collective Agreement](#) (Article 25 - Sick Leave and Article 57 - Duty to Accommodate)
- [Government of Yukon/YAEP Collective Agreement](#) (Article 20 - Sick Leave)
- [Government of Yukon Section M: Conditions of Employment for Excluded Groups](#) (Sick Leave Provisions)