



THE UNIVERSITY OF BRITISH COLUMBIA

UBC EQUITY OFFICE

Creating a Respectful and Inclusive Workplace for Employees with Disabilities



THE UNIVERSITY OF BRITISH COLUMBIA is committed to creating and maintaining an inclusive and non-discriminatory work environment for all members of its workforce, and in particular for its employees with disabilities. An inclusive work environment for employees with disabilities presumes an environment where differences are accepted, recognized and integrated into current structures, planning and decision-making models. In short, an inclusive environment values diversity and difference and is based on mutual respect, dignity for all, and full and equitable opportunity and participation.

This booklet discusses a variety of ways we can all work to promote and sustain an inclusive environment for employees with disabilities. The first section focuses on ACCOMMODATION as a framework for ensuring equitable access and inclusion for employees with disabilities. This section aims to: 1) raise awareness and assist in developing an understanding of the University's commitment to and obligations around accommodating employees with disabilities, 2) encourage departments to be proactive in their approach to accommodation, and 3) provide guidance for those involved in individual accommodation procedures. The second section of the booklet outlines additional strategies that can help to achieve a more respectful and inclusive work environment for employees with disabilities and the third section details contact information and lists other helpful resources.

If you are looking for information about accommodating students with disabilities, contact UBC Access and Diversity. Contact information for the Access and Diversity Office is located at the back of this booklet, or you can go to their website at www.students.ubc.ca/access.

Section I – Accommodation – A Framework for Equitable Access and Inclusion for Employees with Disabilities

What is Accommodation?

Accommodation is an equality concept and a legal principle that seeks to build inclusive environments that respect the differences and the rights of a diverse society. The law requires accommodation of difference so as to recognize the needs of those who have historically been excluded from full and equitable participation in society.

As a process, accommodation balances the interests of a diverse society. Where, for example, a workplace rule conflicts with the religious requirements of an employee, we are required to modify or alter the rule in order to balance the employee's right to uphold his or her religious belief against the employer's right to a productive workforce. Similarly, where a person's capabilities are restricted due to a disability, an accommodation, such as a change to office layout or the purchase of an assistive device, may be required in order to allow the employee to apply his or her skills and abilities on a more level playing field while participating in the workforce in a meaningful and dignified manner.

Accommodation results in equitable access for employees with disabilities because it acknowledges, accepts and integrates their difference. When barriers are removed, employees with disabilities are able to access their work environment and face the same duties and requirements as any other employee with dignity and without impediment. While of paramount importance for employees with disabilities, accommodation of difference applies to all 13 grounds listed under the University's *Policy on Discrimination and Harassment*.

Inclusive Design: A Proactive Approach

Accommodation requires that we fine-tune our surroundings to take into account differences. If we design for inclusiveness we ensure greater participation of more people, including persons with varying levels of abilities.

A proactive and positive obligation requires that we embed inclusive options into planning, decision-making, and operational models.

When planning programs, activities, policies, rules, standards, and procedures, try to ensure they are as inclusive and accessible as possible. Doing so will result in greater accessibility for more people. We can also examine existing workplace standards – including job descriptions, evaluation procedures, training and development processes, and all other standards – to ensure they are designed and implemented in a manner that reflects the diversity of the university community. Where a barrier to full and meaningful participation becomes evident, we have a duty to remove the barrier. Applying a disability or an inclusive lens to planning, decision-making and operational activities is not cumbersome or onerous and it achieves a more welcoming and inclusive department. A proactive approach to inclusion will also decrease the need for future individual accommodations.

Examples of proactive measures include:

- Auditing your department’s human rights performance by reviewing the physical accessibility of your facilities, programs and employment systems;
- Developing accessibility plans based on the seven principles of universal design (see Appendix 1);
- Using accessibility checklists to ensure events, programs, and activities meet acceptable standards;
- Ensuring new equipment purchases are accessible for employees with a range of disabilities or have compatible interfaces to allow for accessibility;
- Ensuring communication methods and materials are accessible for staff with a range of disabilities. Communicate your willingness to make alternative materials available and have a departmental plan to address any communication barrier that may arise;

- Embedding the value of a work environment that respects people’s difference in departmental objectives;
- Taking steps to remove unnecessary job requirements; and
- Ensuring performance evaluations are based on individual skill and merit only.

A range of tools exist to help with proactive measures, some of which are included at the back of this booklet.

The Duty to Accommodate: A Reactive Approach

Where altering or removing a discriminatory barrier cannot be achieved, the University has a duty to accommodate employees affected by the discriminatory barrier unless doing so would cause undue hardship. Accommodations of this sort can range from a simple and inexpensive change to how something is typically done, to a more complex solution that may require a modification of specific job duties. The alterations in all cases take into account the difference or the specific need of the person seeking the accommodation.

Examples of this sort of accommodation include:

- Providing specialized tools and equipment, such as a large print computer, for an employee with a visual disability;
- Providing flexible work policies for specific needs due to an employee’s disability, religious belief or family status needs; or
- Providing voice amplifiers on telephones for employees with hearing loss.

How a disability or any other specific need is accommodated is based on the circumstances of each situation. In all cases, both the process and solution must respect the dignity and the privacy of the person seeking the accommodation.

The University's Equipment Accommodation Fund may be able to assist with the cost of equipment-related accommodations.

Are there limits to the duty to accommodate?

Accommodation efforts must go to the point of *undue hardship*. In other words, the obligation to accommodate is met when the hardship becomes undue or unreasonable.

There is a procedural and a substantive element in assessing *undue hardship*. Procedurally, all viable forms of accommodation must be considered before a claim of undue hardship will be successful. This requires a flexible and creative approach in assessing whether alternatives to how an essential job duty or function could otherwise be accomplished. More often than not, alternatives do exist.

Substantively, factors such as the financial cost of the accommodation, the health and safety risks associated with the accommodation, and the size and flexibility of the workplace are used when accessing hardship. Due to the size and resources available to the University, meeting the undue hardship threshold can be difficult. In all cases, an adequate process and sufficient effort are required.

Bona Fide Occupational Requirements

Balanced against the duty to accommodate is the notion of *bona fide occupational requirements*.

Bona fide occupational requirements are those *job requirements that the employee must be able to do in order to perform the job adequately without creating an unnecessary risk to self or others*. Bona fide occupational requirements must be job-relevant and imposed in an honest and good faith belief that they are reasonably necessary to accomplish their purpose.

This framework allows for limitations to accommodation, if the reasons for the limitation are reasonable and justifiable. In other words, if an employee is unable to meet a *bona fide occupational requirement* – after all viable

accommodation efforts have been considered – this framework allows for the discrimination against or the exclusion of the person to take place.

Responsibility of Heads of Unit and those with Supervisory Roles

The University and all members of the University community share responsibility for ensuring that the work environment at UBC is free from discrimination and harassment. Heads of Unit, including deans, directors, and department heads, bear the primary responsibility for maintaining a work environment free from discrimination and harassment. Anyone with supervisory roles must engage in employment related accommodations for their employees. This includes taking proactive steps to embed inclusive options into planning and decision-making models, taking steps to remove existing structural, procedural and systemic barriers, and responding to individual requests for accommodations from employees in their unit.

The University has many resources that can assist in addressing accommodation concerns on campus. Those dealing with accommodation issues are encouraged to consult with a representative from a specialized service as listed in the text box on page 9, or with a representative from the Equity Office, Faculty Relations, and/or their Human Resource Advisor to ensure a full understanding of their accommodation obligations. A complete listing of UBC services is included at the back of this booklet.

Guidelines for those Involved in the Accommodation Process

- Be proactive. Build accommodation options into new structures and systems and encourage others to do the same;
- Inform those in supervisory roles of their responsibilities to engage in employment accommodations and encourage them to utilize campus services for expert advice and guidance;
- Contact an Equity Advisor to learn about training options for your staff;
- Where a request for accommodation has been made, take it seriously and consider it in a timely and respectful manner;

- Make sure your accommodation process respects the dignity and the privacy of the person seeking accommodation;
- To the extent possible, maximize the dignity of the person receiving the accommodation by providing solutions that do not draw undue attention to his or her disability or other specific need;
- You may have to confirm and secure relevant information necessary to assess the accommodation requirements, such as a medical assessment which identifies abilities or restrictions, or information that speaks to specific religious requirements. Be sure to seek expert advice and guidance in these areas; and
- Be willing to take substantial and meaningful measures to secure an appropriate accommodation and be mindful that solutions must be tailored to individual need.

GENERAL TIPS – DISCLOSING DISABILITIES AND INITIATING AN INDIVIDUAL ACCOMMODATION

Employees with disabilities are not required to disclose or discuss their disability unless they require an accommodation. However, where an undisclosed disability and the need for accommodation are obvious, supervisors may be required to take steps to activate an appropriate accommodation. Supervisors may also have a ‘duty to inquire’ into the need for accommodation should they reasonably suspect a change in an employee’s work performance or abilities is due to a disability.

Employee Responsibilities

Accommodation is a multi-party process and those seeking an individual accommodation have roles and responsibilities to play as well. They include:

- Where possible, employees should advise or inform their supervisor of their need for an accommodation;

- Employees must offer sufficient support and assistance in facilitating the process by providing information such as:
 - why the accommodation is required (is it because of a religious requirement, a physical or mental disability, or because of pregnancy or family status);
 - relevant information (for example, medical reports that speak to limitations, or information that explains specific religious requirements);
 - suggestions for solutions (for example, a specific adaptive software or hardware device, or extra sick days to allow for increased illness during pregnancy);
- Generally, employees are only obligated to discuss their requirements with those that need to know. This could include a supervisor, a union representative, a Human Resources Advisor, and or a representative from Disability Services in Access and Diversity or a representative from the Office of Workplace Health and Sustainability;
- Employees seeking accommodation are required to participate and cooperate in accommodation efforts on an ongoing basis; and
- Employees must be prepared to accept reasonable solutions. There is no obligation on the employer’s part to provide the perfect solution.

Union Responsibilities

In keeping with the multi-party nature of the accommodation process, unions and employee associations representing UBC employees have an obligation to co-operate with and assist in accommodating the specific needs of their members. Their participation in the accommodation process can include:

- Helping to educate members about accommodation;
- Encouraging members to identify and communicate the need for an accommodation;

- Working with the parties to explore and implement reasonable accommodations;
- Supporting individual accommodations on an on-going basis; and
- Helping to maintain the integrity of the principles of the accommodation process.

UBC SPECIALIZED SERVICES FOR ACCOMMODATING EMPLOYEES WITH DISABILITIES

UBC Vancouver staff or faculty may contact the Health Promotion Programs or Disability Services in Access and Diversity for support and assistance with accommodation issues. Faculty and staff at UBC Okanagan may contact the UBC Okanagan Office of Workplace Health and Sustainability, Department of Human Resources. Contact information is located at the back of this booklet.

Section II – Other Strategies to Promote and Sustain an Inclusive Environment for Employees with Disabilities

There are many ways we can all work to promote and sustain an inclusive work environment for employees with disabilities. The suggestions below are not exhaustive, but are meant to offer practical tips that will guide us towards achieving a more inclusive environment.

- Engage in inclusive practices. Help create a work environment where people with disabilities are included, modeled and valued;
- Learn more about barrier-free design principles and determine how you could apply them to your area of work and expertise;
- Recognize that accommodation is about enabling employees with disabilities to access their work environment and face the same duties and responsibilities as others in a meaningful, dignified and productive manner;
- Try to accept and respect the privacy rights of employees with disabilities;
- Be aware of your own biases and challenge stereotypes that you may hold. Negative attitudes and biases of others can often act as a barrier to inclusion. Learn to understand disabilities and particular illnesses or disease. While specialized knowledge is not expected, it is important not to generalize or stereotype;
- Do not make assumptions about the abilities of a person with a disability. People with disabilities are the best judge of their abilities and will typically let you know what they can and cannot do;
- Model and use inclusive and respectful language in your work environment. Specific guidelines include:
 - Use language that conveys positive perceptions and focuses on the person, not the disability. Always put the person before the disability as in “people with disabilities” or “a person with cerebral palsy”.

A “wheelchair user” or “a person who uses a wheelchair” conveys a more positive and liberating message than using negative or value-laden terms such as “wheelchair bound” or “confined to a wheelchair”;

- Be mindful that persons with similar disabilities may have different preferences when it comes to terminology. For example, one person with a visual disability may prefer “blind” while another person with a similar disability may prefer the term(s) “person with low or limited loss of vision”;
- In most interactions there is no need to refer to a person’s disability, but when the need arises be guided by individual preferences;
- Avoid outdated and derogatory terms such as “dumb”, “retarded” or “crippled”; and
- Contact an Equity Advisor or the Disability Resource Centre for further guidance on current best practices. A helpful external resource for terms and phrases that people with disabilities prefer can be found online at: www.mcass.gov.on.ca/mcass/english/how/howto_choose.htm.

A few further tips for positive interpersonal interactions:

- Ask before you help. Offer to help if someone appears to need your help, but appreciate that most adults with disabilities are independent and will want to be recognized and treated as such. Unsolicited help could be viewed as patronizing and demeaning;
- If you’re not sure what to do, ask;
- Don’t touch or address service animals. They are working and must be alert at all times;
- Respect personal boundaries. Equipment, such as wheelchairs and other mobility devices, is typically considered part of a person’s personal space so respect such boundaries;
- Always speak directly to the person with a disability, not to an interpreter, companion, or someone else who may be with the person; and
- Relax and build rapport with employees with disabilities.

Discrimination and Disability

The University’s *Policy on Discrimination and Harassment* prohibits discrimination on the ground of disability. Discrimination on the ground of disability is unfair, differential treatment of individuals and groups based not on individual abilities and merit, but on systemic, structural or attitudinal assumptions and stereotypes about a physical or mental disability. Disabilities can be visible or non-visible, permanent or temporary in nature.

Decisions or actions based wholly or in part upon real or perceived disabilities which impose unfair barriers to employment or study at the University can amount to discrimination.

As a category, “disability” is not explicitly defined in the University’s *Policy on Discrimination and Harassment*. This allows for a broad interpretation that takes into account a person’s:

- physical or mental impairment, if any;
- functional limitations, if any; and,
- any social responses, such as prejudice or stereotypes, that impose barriers to someone’s right to full and equal participation.

This broad interpretation means conditions with few or no functional limitations, such as asthma, speech impediments or being HIV positive, may fall within the protections and remedies offered under the Policy. However, common conditions such as colds and the flu would not fit within the Policy because they do not typically trigger social responses such as prejudice or stereotypes.

Mutual respect, equitable access and dignity for all are essential when remedying the effects of discrimination due to disability.

Examples of Discrimination based on Disability

- Refusing reasonable requests to modify existing facilities to make them physically accessible to persons with disabilities (for example, having

accessible washrooms, modifying the height of desks and equipment or installing adaptive technologies such as computer screen magnifiers or TTY devices);

- Considering accommodations as a favour, not a right;
- Harassing behaviours such as name-calling, mocking, gossiping or making derogatory comments related to the disability;
- Denying appropriate accommodations to persons with documented “invisible” disabilities because of a doubt that the disability really exists;
- Condoning behaviour from others that undermines, belittles, or demoralizes a person with a disability; and
- Rejecting candidates with disabilities from the pool of applicants for a job on the assumption that they cannot adequately perform the required duties.

Section III - Related Standards, Contact Information and Additional Resources

Related Standards

- **British Columbia Human Rights Code** Section 13(1) of the British Columbia *Human Rights Code* prohibits discrimination in employment on the basis of “physical or mental disability.” Section 13 (4) provides that s.13(1) does not apply “with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.”
- **Worker’s Compensation Act**
- **UBC Policy # 2: “Employment Equity”**
- **UBC Policy # 3: “Discrimination and Harassment”**
- **General human rights and employment law principles that apply to UBC**
- **Relevant Collective Agreements, Handbooks or Frameworks**

UBC Accommodation Resources

VANCOUVER CAMPUS:

EQUITY OFFICE

Room 2306 Brock Hall, 1874 East Mall

Phone: 604.822.6353 Email: equity@equity.ubc.ca

www.equity.ubc.ca

HEALTH PROMOTION PROGRAMS

UBC Health, Safety and Environment

50–2075 Westbrook Mall

Phone: 604.827.3182 Email: information@hse.ubc.ca

www.hse.ubc.ca/health_promotion/rtw/rtw_index.html

ACCESS AND DIVERSITY

Brock Hall 1203, 1874 East Mall

Phone: 604.822.5844 Email: access.diversity@ubc.ca

www.students.ubc.ca/access

HUMAN RESOURCES ADVISORY SERVICES

350–2075 Westbrook Mall

Phone: 604.822.8111

www.hr.ubc.ca/contact.html

FACULTY RELATIONS

Old Administration Building

6328 Memorial Road

Phone: 604.822.1897

www.hr.ubc.ca/faculty_relations/contact.html

OKANAGAN CAMPUS

EQUITY OFFICE

3333 University Way

Phone: 250.807.9291 Email: equity.ubco@ubc.ca

www.ubc.ca/okanagan/equity

OFFICE OF WORKPLACE HEALTH AND SUSTAINABILITY

3333 University Way

Phone: 250.807.8938

<http://web.ubc.ca/okanagan/healthpromotion/welcome.html>

DISABILITY RESOURCE CENTRE

UBC Okanagan Student Development and Advising

Phone: 250.807.9263 Email: disres.okanagan@ubc.ca

<http://web.ubc.ca/okanagan/students/disres/welcome.html>

HUMAN RESOURCES

UBC Okanagan Human Resources

Portable N 3333 University Way

Phone: 250.807.6818

<http://web.ubc.ca/okanagan/facultystaff/hr.html>

OTHER UBC RESOURCES

CAMPUS & COMMUNITY PLANNING

(helps resolve physical accessibility issues)

2210 West Mall

Phone: 604.822.8228

www.planning.ubc.ca/corebus/access.html

EXTERNAL PROGRAMS AND LEARNING TECHNOLOGIES

(resources for ensuring web accessibility)

Faculty of Education

1304 – 2125 Main Mall

Phone: 604.822.2013 Email: eplt.educ@ubc.ca

<http://eplt.educ.ubc.ca/index.php>

EQUIPMENT ACCOMMODATION FUND

(may assist with the cost of accommodation)

Contact the Equity Office as above, or view information online at:

www.equity.ubc.ca/employment/eaf.html

ON-LINE RESOURCES

There are many on-line resources for the Duty to Accommodate and Barrier-Free design. This list represents just a few resources.

A Manager's Guide to Reasonable Accommodation, BC Public Service Commission, 2006.

www.bcpublicservice.ca/down/Reports/Reas_Accom.doc

A Place for All: A Guide to Creating an Inclusive Workplace, Canadian Human Rights Commission.

www.chrc-ccdp.ca/pdf/publications/aplaceforall.pdf

Adaptive Environments. A U.S. non-profit at the forefront of the international Universal Design movement. Site contains the 7 principles of Universal Design and extensive resource material.

www.adaptiveenvironments.org/index.php?option=Content&Itemid=3

British Columbia Paraplegic Association (BCPA). Offers a wide range of services for people with mobility impairments.

www.bcpara.org/default.aspx

Canadian Council on Rehabilitation and Work. Various employment related services that can assist in successful accommodations for employees with disabilities. www.ccrw.org

Canadian Mental Health Association (CMHA). Good information on various mental illnesses and employment issues.

www.cmha.ca/bins/index.asp

Canadian National Institute of the Blind (CNIB). Variety of information, consultation services and resources associated with vision loss.

www.cnib.ca/en/bc-yukon/Default.aspx

Duty to Accommodate an Interpretative Bulletin, Alberta Human Rights and Citizenship Commission,

www.albertahumanrights.ab.ca/dutytoaccommodate.pdf

Guide to Planning Inclusive Events, Government of Canada,

www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_852/gpimc-gprci_e.asp

Internet Guide, Government of Canada. Provides guidance on the design and maintenance of websites to ensure access for all users,

www.tbs-sct.gc.ca/ig-gi

Learning Disabilities and the Law, The Learning Association of Canada.

www.ldac-taac.ca/LDandtheLaw/ch04_Law-e.asp

Mental Health Works: Complex Issues, Clear Solutions.

<http://www.mentalhealthworks.ca/employers/faq/question7.asp>

Thinking Outside the Box, Creative Solutions for Accommodating Disabilities. A number of checklists for ensuring inclusive work environments. www.totb.ca/english/checklists.asp?a_id=11

Universal Instructional Design Handbook and Workbooks, University of Guelph. Features the “7 Principles” poster and offers practical guidelines to follow when designing or adapting courses.

www.tss.uoguelph.ca/projects/uid/uidmanuals.html

Working with Hearing Loss, Canadian Hard of Hearing Association. A guide to successful workplace accommodations for hard of hearing employees.

<http://www.chha.ca/chha/publications-booklets.php>

APPENDIX ONE – 7 PRINCIPLES OF UNIVERSAL DESIGN

1. **Equitable Use:** The design does not disadvantage or stigmatize any group of users.
2. **Flexibility in Use:** The design accommodates a wide range of individual preferences and abilities.
3. **Simple, Intuitive Use:** Use of the design is easy to understand, regardless of the user’s experience, knowledge, language skills, or current concentration level.
4. **Perceptible Information:** The design communicates necessary information effectively to the user, regardless of ambient conditions or the user’s sensory abilities.
5. **Tolerance for Error:** The design minimizes hazards and the adverse consequences of accidental or unintended actions.
6. **Low Physical Effort:** The design can be used efficiently and comfortably, and with a minimum of fatigue.
7. **Size and Space for Approach & Use:** Appropriate size and space is provided for approach, reach, manipulation, and use, regardless of the user’s body size, posture, or mobility.

Source: Adaptive Environments, <http://www.adaptiveenvironments.org/index.php?option=Content&Itemid=25>



THE UNIVERSITY OF BRITISH COLUMBIA

EQUITY OFFICE – UBC
VANCOUVER CAMPUS
2306 Brock Hall, 1874 East Mall
Vancouver, BC V6T 1Z1
Tel: 604.822.6353
Fax: 604.822.3260
Email: equity@equity.ubc.ca
www.equity.ubc.ca

EQUITY OFFICE – UBC
OKANAGAN CAMPUS
3333 University Way
Kelowna, BC V1V 1V7
Tel: 250.807.9291
Email: equity.ubco@ubc.ca
www.okanagan.ubc.ca/equity