

# The Rights and Duties of CUEFA Members

## The Right to Accommodation in the Workplace: General Legal Principles, the Collective Agreement, and CUE's Policies and Procedures

Prepared: January 2025

### 1. What is the Employer's Duty to Accommodate?:

In Canadian law, employers have an obligation to modify policies, procedures, practices, rules, standards, workplace culture and physical environments to eliminate or reduce the negative impact that an employee faces because of a protected ground and to enable all employees to participate fully in their employment. This duty to accommodate applies to needs that are related to the grounds of discrimination. Protected grounds include: physical or mental disability, religious beliefs, gender (including pregnancy), gender identity, gender expression, family status, and marital status.

The objective of accommodation in the workplace is to provide an equal opportunity for an employee to participate in any of areas protected under Alberta's *Human Rights Act*.

The duty to accommodate in the workplace means that employers and service providers may be required to treat an employee differently in order to prevent or reduce discrimination. In such cases, the duty to accommodate may require the employer to make alternative arrangements to ensure that an employee can undertake their employment activities.

### 2. Applicable Provincial Legislation:

#### A. *Alberta's Human Rights' Act* (RSA 2000, c A-25.5).

This legislation outlines the protected grounds:

s. 7(1) No employer shall:

- (a) refuse to employ or refuse to continue to employ any person, or
- (b) discriminate against any person with regard to employment or any term or condition of employment, because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age,

ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.

7 (2) Subsection (1) as it relates to age and marital status does not affect the operation of any bona fide retirement or pension plan or the terms or conditions of any bona fide group or employee insurance plan.

7 (3) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

### **Applications and advertisements re: employment**

s. 8(1) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry of an applicant

(a) that expresses either directly or indirectly any limitation, specification or preference indicating discrimination on the basis of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person, or

(b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

8 (2) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

### **Who may make a complaint**

s. 20(1) Any person, except the Commission, a member of the Commission and a person referred to in section 18, who has reasonable grounds for believing that a person has contravened this Act may make a complaint to the Commission.

(2) A complaint made pursuant to subsection (1) must

(a) be in a form acceptable to the Commission, and

(b) be made within one year after the alleged contravention of the Act occurs.

**B. *Alberta's Occupational Health and Safety Act*, (SA 2020 c.O-2.2).**

Occupational health and safety are essential for safeguarding the well-being of all workers' at the workplace. *Alberta's Occupational Health and Safety Act* encompasses preventive legalisation and regulations to minimize workplace hazards, injuries and illnesses.

s. 3(1) Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

(a) the health, safety and welfare of

(i) workers engaged in the work of that employer,

(ii) those workers not engaged in the work of that employer but present at the work site at which that work is being carried out, and

(iii) other persons at or in the vicinity of the work site whose health and safety may be materially affected by identifiable and controllable hazards originating from the work site,

(b) that the workers engaged in the work of that employer are aware of their rights and duties under this Act, the regulations and the OHS Code,

(c) that none of the employer's workers are subjected to or participate in harassment or violence at the work site,

(d) that the employer's workers are supervised by a person who

(i) is competent, and

(ii) is familiar with this Act, the regulations and the OHS Code that apply to the work performed at the work site,

(e) that the joint health and safety committee, if there is one, or the health and safety representative, if there is one, complies with all requirements imposed on the joint health and safety committee or the health and safety representative under this Act, the regulations or the OHS Code, and

(f) that health and safety concerns raised by workers, supervisors and the joint health and safety committee, if there is one, or the health and safety representative, if there is one, are resolved in a timely manner.

(2) Every employer shall ensure that workers engaged in the work of that employer are adequately trained in all matters necessary to perform their work in a healthy and safe manner.

(3) If work is to be done that may endanger a worker, the employer shall ensure that the work is done

(a) by a worker who is competent to do the work, or

(b) by a worker who is working under the direct supervision of a worker who is competent to do the work.

(4) Every employer shall keep readily available information related to work site hazards, controls, work practices and procedures and provide that information to

(a) the joint health and safety committee, if there is one, or health and safety representative, if there is one, at the work site,

(b) the workers, and

(c) the prime contractor, if there is one.

(5) Every employer shall ensure that current paper or downloaded or stored electronic copies of this Act, the regulations and the OHS Code are readily available for reference by workers, the joint health and safety committee, if there is one, and the health and safety representative, if there is one.

(6) Every employer who is a self-employed person engaged in an occupation but is not in the service of an employer for that occupation shall comply with all requirements imposed on an employer, with any necessary modifications.

(7) Every employer shall cooperate with any person exercising a duty imposed by this Act, the regulations and the OHS Code.

### **Right to refuse dangerous work**

s. 17(1) In this section, “undue hazard” in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.

(2) Subject to this section and section 5 , a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is an undue hazard at the work site or that the work constitutes an undue hazard to the worker’s health and safety or to the health and safety of another worker or another person.

- (3) When exercising a right to refuse to work or to do particular work under subsection (2), a worker shall ensure, as far as it is reasonable to do so, that the refusal does not endanger the health and safety of any other person.
- (4) A worker who refuses to work or to do particular work under subsection (2) shall promptly report the refusal and the reasons for it to the worker's employer or supervisor or to another person designated by the employer or supervisor.

### **Where disciplinary action prohibited**

s. 18 No person shall take any disciplinary action against a worker by reason of that worker acting in compliance with this Act, the regulations, the OHS Code or an order issued under this Act.

### **Disciplinary action complaint**

s. 19(1) A worker who has reasonable cause to believe that the worker has been subjected to disciplinary action in contravention of section 18 may file a complaint with an officer within 180 days after the alleged contravention occurs, but not afterwards.

## **3. Take the appropriate steps to request accommodation:**

Both the employee (requesting accommodation) and the employer have rights, duties, and responsibilities in the accommodation process. During the accommodation process, the employee and employer must act reasonably and cooperatively in assessing and implementing accommodation.

**Employee's duties:** An employee requiring accommodation based on protected grounds must let the employer know about the employee's accommodation needs. The employee must provide enough information or documentation for the employer to understand what type of accommodation is required by the employee. More specifically:

1. Advise the employer in writing about the need for accommodation. Include the following information:
  - Explain why accommodation is required (for example, because disability, pregnancy, family status, religious belief, etc.)
  - In your request for accommodation, provide evidence or documents (for example, letter from a doctor or health care provider, or written information

about specific religious practice). For mental and physical disabilities, employees are often required to provide documentation from medical professionals. Please note that employee is not required to disclose a specific diagnosis to the employer.

- Provide medical information that details the employee's functional limitations and necessary accommodations.
  - Suggest appropriate accommodation measures.
  - Indicate how long accommodation will be required.
2. Allow a reasonable amount of time for the employer to respond to the employee's request for accommodation.
  3. Be open to and consider any reasonable accommodation options that the employer offers. A person seeking accommodation has a duty to consider and when appropriate accept a reasonable accommodation, even if it is not the one that the person suggested or prefers.
  4. Discuss the conditions and factors creating undue hardship if the employer indicates that accommodation would pose an undue hardship. Provide details about your needs if such information is helpful.
  5. Cooperate to make the accommodation agreement work.
  6. Advise the employer when accommodation needs have changed. Provide medical documentation for these changes and assist the employer in improving accommodation.
  7. Be willing to review and modify the accommodation agreement if circumstances or needs change.
  8. Advise the employer if there is no longer a need for accommodation.

**Employer's duties:** An employer who receives an employee's request for accommodation must take reasonable steps to accommodate the employee's needs to the point of undue hardship (see below). An employer or service provider who receives an accommodation request, must:

1. Assess if the request for accommodation is under any of the areas and grounds protected under the *Human Rights Act*.
2. Once the employer receives an employee request for accommodation, the onus is on the employer to accommodate.

3. Respect the dignity of the employee requesting accommodation.
4. Respect the privacy of the employee requesting accommodation. All medical information is personal information, and employers must abide by applicable privacy legislation when they collect, use, or disclose an employee's medical information.
5. Listen to and consider the needs of the employee requesting accommodation and their suggestions for accommodation.
6. Review medical or other information that the employee seeking accommodation provides to document the request for accommodation.
7. Be willing to take substantial and meaningful measures to accommodate the needs of the employee seeking accommodation.
8. Consult with appropriate experts if more information is needed to assess the employee request.
9. Be open and creative when considering and developing options.
10. Discuss possible options with the employee who requires accommodation.
11. Implement reasonable steps to accommodate the employee seeking accommodation to the point of undue hardship. If full accommodation is not possible without undue hardship, try to suggest options that may partially meet the needs of the employee seeking accommodation.
12. Reply to the employee's request for accommodation within a reasonable period of time.
13. Draft a written accommodation agreement with the employee being accommodated and ensure that the accommodation will be successful.
14. Follow up to ensure that the accommodation meets the needs of the employee seeking accommodation.
15. Provide details that explain why accommodation is not possible because it poses undue hardship or because of a bona fide occupational requirement.
16. Be open to reviewing and modifying the accommodation agreement if: a) circumstances or needs change; b) the agreement is no longer working.

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#### **4. Types of accommodation support:**

The accommodation made for an employee must match that employee's individual needs. What works for one employee may not work for another in a similar situation. There are many ways to accommodate an employee's needs, such as:

- Purchasing or modifying tools, equipment, aids or adaptive technologies for the employee (e.g. providing an employee with visual impairment with a special equipment and computer equipment to perform their duties);
- Offering time off to the employee to attend medical appointments or rehabilitation programs, or to have recuperation time;
- Adjusting an employee's work schedule to enable the employee to balance the employee's work and caregiving responsibilities;
- Changing the workplace to provide handrails, ramps, wider doors or wheelchair access for employees with disabilities;
- Providing accessible parking;
- Modifying works hours, such as part-time, flexible hours or working from home;
- Providing a sign-language interpreter;
- Providing an employee with different types of work or altering their job duties;
- Hiring temporary employees; and
- Adjusting the employer's workplace policies.

#### **5. When is an employer not required to accommodate:**

Canadian law recognizes that there is a reasonable limit to how far an employer must go to accommodate the needs of an employee. What this means is that accommodation may not be possible because:

**a) The proposed accommodation would create an undue hardship for the employer:** An employer must take appropriate steps to accommodate an employee's request for accommodation to the point of "undue hardship." It is reasonable that an employer may have to experience some hardship in providing accommodation. What constitutes "undue hardship"?: the hardship must be "substantial in nature" such as an intolerable financial



cost or serious disruption to business. This undue hardship makes it unreasonable for the employer to accommodate. An employer can claim undue hardship as the reason why certain policies or practices will remain unchanged, even though they may have a negative effect on the employee requesting accommodation. The employer must provide sufficient evidence of undue hardship.

Every case is decided on its own facts, but meeting the “undue hardship” test may involve the following factors:

- Financial cost to the employer
- Safety of employees
- Size of the company or organization
- Collective Agreement
- Interchangeability of work force and facilities
- Morale of other employees

b) **It is “reasonable and justifiable in the circumstances”** (s. 11 of the *Human Rights Act*): Section 11 applies to the entire *Human Rights Act*, and it allows the employer responding to a human rights complaint to contend that its standards or policies do not amount to discrimination under the Act. A reasonable and justifiable practice is often called a “*bona fide* occupational requirements (BFORs).” For example, an airline pilot must have a good eyesight; therefore, good eyesight is a BFOR for airline pilots. *British Columbia (Public Service Employee Relations Commission) v. BCGSEU* (1999 35 C.H.R.R. D/257 (S.C.C.) [also known as “Meiorin”] sets out the 3-part test to determine if a specific accommodation is a BFOR.

## **6. CUE’s Collective Agreement (dated January 24, 2022) refers to accommodation:**

### **Collective Agreement provisions that refer to accommodation:**

#### **14. Non-Discrimination and Harassment**

**s. 14.1** The Parties recognize a mutual obligation to adhere to all applicable legislative requirements with regard to human rights and discrimination.

**s. 14.2** Alleged instances of harassment and discrimination involving Members shall be dealt

with in accordance with the University's Discrimination, Harassment and Accommodation Policy. Changes to this policy shall require prior consultation with the Association.

## **19. Medical Leave**

- s. **19.1 b)** Medical Ability to Work Certificate means a University form verifying the medical status of a Member, signed by a qualified Physician, and provided to Human Resources. This form specifies the general nature of the illness or injury, what restrictions and limitations exist which may impact their ability to perform the various aspects of their responsibilities and provide an estimate of the duration of the absence.
  
- s. **19.3.2** Before returning to work from a medical leave, an updated Medical Ability to Work Certificate must be provided to Human Resources, indicating that the Member is medically cleared to return to work. The form must indicate if modified duties or hours are required by specifying any applicable restrictions and limitations. Following the receipt of this form, Human Resources will advise the Dean or Director, as applicable, that the Member is returning to work, with the effective date specified, and any required details regarding restrictions and limitations. If there are restrictions and/or limitations specified, the Human Resources Advisor will work with the Dean or Director as applicable to determine ability to accommodate those restrictions and/or limitations.

## **7. CUE's Accommodation Policy and Procedure:**

### **a) CUE's Discrimination, Harassment and Accommodation Policy**

<https://policy.concordia.ab.ca/AD1230>

The accommodation clauses in CUE's Discrimination, Harassment and Accommodation Policy state:

#### **1. Policy Purpose**

In carrying out its mission, Concordia is committed to fostering and protecting a respectful environment for work, study, and living that supports the dignity and equality of all members of the Concordia community.... These legal and ethical responsibilities include the duty to accommodate members of the Concordia community who require accommodation based on a protected ground....

## **2. Definitions**

- Duty to accommodate - Concordia has a duty to make reasonable adjustments, to the point of undue hardship or as otherwise required by law, to the delivery of services (including teaching and the method of evaluation) and the conditions of employment in order to reduce or eliminate the impact of discriminatory practices, policies, standards, and rules, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the protected grounds.
- Accommodation - the process of identifying alternatives and making reasonable adjustments to the delivery of services and the conditions of employment in order to alleviate any adverse impacts on persons that result from the application of rules, policies, practices, standards, terms of employment, or decisions, due to a characteristic or perceived characteristic referenced in the protected grounds. Accommodation is a shared responsibility between Concordia and the individual in need of accommodation, and is assessed on the unique circumstances of each individual. The process requires reasonable accommodation, not instant or perfect accommodation. The recipients of accommodation may be required to try different accommodation options. Concordia is required to provide reasonable accommodation up to the point of undue hardship.

Accommodation does not require or imply that Concordia will lower its academic or professional standards. Accommodation does not relieve students of the responsibility to demonstrate the essential skills and competencies required by programs or staff of the responsibility to meet the performance requirements of a position in which they are accommodated.

- Undue hardship - a legal standard which must be applied to the specific circumstances of each case; it will often require assistance from legal counsel to determine whether the standard is met. Concordia has a duty to take reasonable steps to accommodate individual needs up to the point of undue hardship, which occurs when accommodation would create onerous conditions for Concordia.

## **POLICY**

### **4.1 Discrimination and Harassment**

Concordia strictly prohibits any member of the Concordia community from engaging in acts of harassment, including but not limited to harassment based on one or more protected grounds.

Concordia strictly prohibits any member of the Concordia community from engaging in acts of discrimination, except in specific circumstances where accommodation would result in an undue hardship, as discussed in section 4.3 below.

### **4.3 Duty to Accommodate**

Where members of the Concordia community are disadvantaged by practices, policies, standards, rules, or decisions related to protected grounds, Concordia is committed to providing reasonable accommodation up to the point of undue hardship, or as required by law.

Accommodation is a shared responsibility—the most effective accommodation measures are the result of cooperation and clear communication between Concordia and the community member(s) in need of accommodation. An individual in need of accommodation may be required to try different accommodation options.

Concordia is required to provide reasonable accommodation, not instant or perfect accommodation or accommodation based on preference of the individual. The accommodation process involves identifying alternatives and choosing the approach that effectively provides the necessary accommodation, while minimizing as much as possible the cost and negative impacts to Concordia and other members of the Concordia community.

While Concordia's duty to accommodate is far-reaching, accommodation is not always possible to achieve. The law recognizes in some situations a practice, policy, standard, rule or decision which has a discriminatory effect may be considered reasonable and justifiable if Concordia can show that the discriminatory practice, standard, decision or rule is a "bona fide requirement" (BFR) or a "bona fide occupational requirement" (BFOR) and/or because any attempt to accommodate an individual would result in an undue hardship.

The duty to accommodate does not require that Concordia lower its academic or non-academic standards. Nor does accommodation relieve a student of their responsibility to develop the essential skills and competencies expected of all students and required by programs.

All students are also bound by the Code of Student Conduct.

## **4.4 Roles and Responsibilities**

All members of the Concordia community share in the responsibility of protecting the personal dignity and security of each member of the community and the safety and integrity of the community as a whole.

### **4.4.1 Board of Governors, General Faculties Council, and President**

Through its Board of Governors, General Faculties Council, and President, Concordia is responsible, in particular, for: ....

(b) Providing effective policy and procedures for reasonable accommodation, to the extent required by law, to the members of the Concordia community.

### **4.4.2 Concordia**

In order to protect and foster a work, study, and living environment free from discrimination and harassment, Concordia may itself initiate an investigation or a complaint, or continue with a complaint withdrawn by a complainant. Concordia is responsible for:

(a) Ensuring that accommodation options are investigated with the person applying for accommodation.

(b) Ensuring that requests for accommodation are addressed as appropriate pursuant to any applicable negotiated employment or collective agreements, student policies, and the terms of this Policy.

(c) Ensuring that when a complaint of discrimination or harassment is upheld, appropriate action is taken, regardless of the authority or seniority of the offender.

(d) Considering whether a remedy may be offered to a member of the Concordia community who has experienced discrimination or harassment.

(e) Ensuring that education about, and information to create awareness of this policy are made available to all members of the Concordia community.

(f) Ensuring that information on discrimination, harassment and the duty to accommodate and related processes for persons involved can be found on the Concordia website and is made available to complainants and respondents.

(g) Ensuring that Concordia provides information to members of the Concordia community regarding their right to seek accommodation.

#### **4.4.3 *Vice-Presidents and Deans***

Concordia's Vice-Presidents, Deans, and other Concordia officers have an administrative responsibility to uphold this Policy. They are responsible within their portfolios for creating, supporting, and maintaining a work, study, and living environment that is free from discrimination and harassment. This administrative responsibility includes but is not limited to:

- (a) Working to inform themselves and members of the Concordia community for whom they are responsible of the provisions of this Policy and supporting awareness about discrimination, harassment, and duty to accommodate issues.
- (b) Promoting and supporting Concordia's educational efforts to make its members aware of discrimination, harassment, and duty to accommodate issues and of their responsibility under this Policy.
- (c) Supporting, participating in, and ensuring that within their portfolios, reasonable accommodation is provided when and to the extent required by law.
- (d) Participating in processes aimed at resolving complaints of discrimination and harassment and supporting the determined remedy as appropriate under the agreed-upon terms.
- (e) Ensuring proper collection, retention of, and access to accommodation records, which respects the privacy interests of the individuals involved and Concordia's need for sufficient information to assess and implement accommodations.
- (f) Ensuring proper collection, retention of, and access to records related to the handling of complaints, investigations, and disciplinary proceedings under this Policy, which respects the privacy interests of the individuals involved and Concordia's need to handle complaints in an effective and responsible manner.

#### **4.4.4 *Staff, Instructors, and Students***

It is a shared responsibility of all members of the Concordia community to work towards a respectful environment, free from discrimination and harassment. Staff, instructors, and students are responsible for:

- (a) Taking personal responsibility to understand and actively encourage awareness of discrimination, harassment, and accommodation issues.
- (b) Fostering work, study, and living environment where members of the Concordia community can, in good faith, raise questions about discrimination and harassment without fear of reprisal.
- (c) If in need of accommodation, cooperating with Concordia to determine and implement appropriate accommodation options, and adhering to all applicable policies and procedures, including but not limited to the Duty to Accommodate Procedure.

## **b) CUE's Duty to Accommodate Procedure**

(<https://policy.concordia.ab.ca/AD1230-PR02> )

The purpose of this procedure is to define the responsibilities of CUE and the members of CUE's community who need accommodation. Below are some of the most significant sections of this procedure:

### **1. PURPOSE**

The purpose of this procedure is to clearly define the responsibilities of Concordia and of members of the Concordia community who require accommodation, respectively. The procedure also sets out information regarding appeals and handling of records and privacy matters.

Accommodation encompasses various changes which may be made to the delivery of services in Concordia's work, study, and living environment to ensure equitable participation by members of the Concordia community who would otherwise experience discrimination based on any of the protected grounds.

### **3. OVERVIEW**

Concordia has a duty to provide accommodation up to the point of undue hardship, or as otherwise required by law. With the exception of Concordia's Inclusive Post-Secondary Education service, accommodating members of the Concordia community will not result in

lowering academic or non-academic standards, or relieving a student of their responsibility to develop the essential skills and competencies expected of all students.

Accommodation is a shared responsibility between Concordia as an institution, members of the Concordia community responsible for delivering various services, and members of the Concordia community requiring accommodation.

#### **4. RESPONSIBILITIES OF THE PERSON REQUIRING ACCOMMODATION**

The person requiring accommodation is responsible for:

- (a) Reviewing Concordia's policy regarding accommodation, and where applicable for certain employees, the relevant provisions of the Collective Agreement between Concordia University of Edmonton and Concordia University College of Alberta Faculty Association, if applicable, and any applicable employment agreement;
- (b) At the earliest point possible, making their needs known to the best of their ability, preferably in writing, so the person responsible for assessing and implementing accommodation may engage in a dialogue about possible accommodations;
- (c) Answering questions or providing information about relevant restrictions or limitations, including information from health care professionals, where appropriate, and as needed;
- (d) Participating in discussions about possible accommodation solutions;
- (e) Cooperating with any experts whose assistance is required to manage the accommodation process;
- (f) Meeting agreed upon performance standards once accommodation is provided; and
- (g) Working with the accommodation provider in an ongoing manner to manage the accommodation process.

##### **4.1 Contact information for persons requiring accommodation**

... (b) Any other member of the Concordia community who requires accommodation should contact the Director, Human Resources.

#### **5. RESPONSIBILITIES OF CONCORDIA**



Concordia is responsible for responding to a request for accommodation in a timely and constructive way. The duty to accommodate is triggered when the individual requiring accommodation makes the request.

### **5.1 Responsibilities when duty to accommodate is triggered**

When the duty to accommodate is triggered, the appropriate Concordia representative (see section 4) is responsible for:

- (a) Requesting from the individual in need of accommodation whatever medical or other information is reasonably necessary to assess the need for accommodation and to identify sufficiently that individual's specific needs;
- (b) Where appropriate, seeking input and assistance from:
  - i. Members of the Concordia community directly engaged in providing services to the individual requiring accommodation;
  - ii. External service providers; and
  - iii. Advisors including legal counsel;
- (c) Considering the specific needs of the individual to determine what accommodation (short of undue hardship) can be made in order to allow the individual to continue in employment, studies, research or other activities, and to access Concordia's facilities and services;
- (d) Coordinating with the individual requiring accommodation as well as other members of the Concordia community, as necessary, to do what is needed to provide accommodation to support an individual affected by discrimination, to the extent required by the law;
- (e) Considering whether the accommodation being considered may conflict in any way with any applicable collective agreement, the academic or employment qualifications, educational program requirements or performance standards set by Concordia's governing bodies, and if so seeking advice and input from administration and outside advisors as necessary in order to address such conflict;
- (f) Reviewing and revising any accommodation plan if circumstances or needs change; and
- (g) If denying a request for accommodation, providing the person requesting accommodation with written reasons for the denial.

### **5.2 Responsibilities of members of Concordia community directly engaged in providing services to individuals requiring accommodation**

Individual members of the Concordia community play an important role in providing services. These individuals may include but are not limited to faculty members, sessional or guest instructors, administrators, student services staff, facilities management staff, and students who take on extracurricular responsibilities.

Members of the Concordia community who are directly engaged in providing services to individuals requiring accommodation are responsible for:

- (a) Being familiar with the *Discrimination, Harassment, and Accommodation Policy* and this Procedure;
- (b) Referring other members of the Concordia community to this Procedure, and to the Concordia representatives responsible for coordinating accommodation (see section 4), where appropriate;
- (c) Respecting the privacy and confidentiality of individuals requiring accommodation;
- (d) Cooperating with Concordia representatives responsible for coordinating accommodation to do what is needed to provide accommodation to support an individual affected by discrimination, to the extent required by the law; and
- (e) Seeking support from Concordia representatives responsible for coordinating accommodation if unsure of how to appropriately provide accommodation to a member (or members) of the Concordia community.

Sections 6 to 9 of the procedure deal with the retention of information, confidentiality, and appeals.

## **8. Some Final Observations:**

CUEFA members who have requested accommodation from CUE have the following observations:

- CUE administration is often not helpful in responding to accommodation requests of CUEFA members; in some cases, CUE administration has ignored or minimized accommodation requests of CUEFA members;
- When CUE administration does respond to an accommodation, it is sometimes slow in responding; sometimes, CUE's administration only provides the bare minimum of accommodation;

- CUE administration does not always take a CUEFA member's accommodation needs into account when assigning an office or classrooms to the member.

## Sources:

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