



Policy Name:	DUTY TO ACCOMMODATE – EMPLOYEES		
Policy #:	AD 5.9	Last Updated:	2021-12-03
Issued By:	SUPPORT SERVICES BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

AD 5.3.2 Short Term Disability

AD 5.3.3 Long Term Disability

AD 5.4 Fit for Duty

AD 5.8.2 Occupational Health and Safety – Workplace Injuries

1. PURPOSE

- 1.1. To identify Surrey Police Service’s (SPS) legal obligation under legislation to provide accommodation to Employees.
- 1.2. To identify the responsibilities of those engaged in the accommodation process.
- 1.3. To provide procedures for requesting and managing Employee accommodation.
- 1.4. To identify how Employee-related accommodation information will be collected, used, and disclosed by SPS in accordance with applicable laws

2. SCOPE

- 2.1. This policy applies to all SPS Employees.

3. POLICY

SPS Responsibilities

- 3.1. SPS complies with its responsibilities under the BC *Human Rights Code* to provide reasonable workplace accommodation to Employees who are unable to perform their regular duties as a result of a Protected Ground under the BC *Human Rights Code*, short of undue hardship to SPS.
- 3.2. The duty to accommodate is a multi-party process involving SPS, the Employee, where applicable, the union representing the Employee, and potentially other stakeholders (e.g., WorkSafe BC).
- 3.3. SPS is responsible for accommodation in the workplace. Where an Employee requests a workplace accommodation on the basis of a Protected Ground, SPS will initiate a process to confirm the need for accommodation and to identify and consider effective options to accommodate the Employee.
- 3.4. Where SPS has a reasonable basis to believe that an accommodation may be required, SPS has a duty to make inquiries of the Employee.
- 3.5. Accommodation will be identified which is specific to the Employee's circumstances and may include, but is not limited, to:
 - i. changes to workstations or equipment;
 - ii. provision of specific services or aids;
 - iii. adjustments to work schedules; and
 - iv. reassignment and/or modification of work duties.
- 3.6. Accommodation may be temporary or long term.
- 3.7. SPS will monitor the accommodation which has been put in place and may modify the accommodation as required.
- 3.8. SPS requires clear, current, and substantive information from the Employee to determine whether the accommodation process is engaged and to identify reasonable accommodation options.
- 3.9. SPS will maintain the privacy of Employees by treating information provided during the accommodation process confidentially and disclosing such information only as necessary or as required by law.

Employee Responsibilities

- 3.10. The Employee is responsible for requesting an accommodation in a timely manner including identifying the basis for the request and any limitations, restrictions or modifications related to the request for accommodation and the expected duration of the accommodation.

- 3.11. The Employee must provide SPS with clear, current, and substantive information, in sufficient detail to assist in the process of identifying the basis for and appropriate accommodation. The Employee will keep the Employee Services Section informed of any changes relevant to the accommodation on an ongoing basis, and to respond to SPS's requests for further information in a timely manner.
- 3.12. The Employee must participate in the accommodation process by working with SPS and other stakeholders (e.g., union, medical professionals, WorkSafe BC) to identify accommodation options and to accept reasonable accommodation.

Union Responsibilities

- 3.13. The union, if applicable, will participate in and facilitate the accommodation process.

4. PROCEDURE

- 4.1. An Employee requesting a workplace accommodation on a Protected Ground under the BC *Human Rights Code* must submit a written request to the Deputy Chief Constable, Support Services Bureau, or delegate. Such a request should include the reason for the request and the nature and duration of the accommodation sought.
- 4.2. The Deputy Chief Constable, Support Services Bureau or delegate will assess the Employee's information and conduct an analysis of the Employee's role and workplace.
- 4.3. Options for accommodation will be identified and discussed with the Employee and their union representative, if applicable. If possible, an accommodation plan will be developed.
- 4.4. If an accommodation plan is put in place, the plan will be periodically monitored by the Employee Services Section to determine its effectiveness in meeting the needs of the Employee and its effect on the workplace.
- 4.5. The Employee will be required to provide updated information about their circumstances while an accommodation plan is in place.
- 4.6. Records related to accommodation requests, the processes followed, and any plans developed will be maintained by the Employee Services Section. Sensitive personal information will be managed confidentially taking into consideration obligations under privacy legislation, collective agreements, and applicable policies and procedures.

Accommodation of Disability

4.7. Where an Employee requests an accommodation of a disability, the Employee is required to provide reports from their medical professional in the form required by SPS. In addition, the Employee may be referred to an independent medical exam or other medical specialist as determined by the Chief Constable or delegate.

Accommodation of Pregnancy

4.8. A Member who is pregnant may request reassignment during their pregnancy.

4.9. A Member, who has not completed their probationary period before reassignment to modified duties, will have the probationary period extended to exclude the period of reassignment.

4.10. A Member who is pregnant will not be required to participate in requalification in use of force techniques or firearms during reassignment or maternity leave.

Medical Information Request

4.11. SPS requires clear, current, and substantive medical information to assess the legitimacy of medical leave, to administer benefits, and to determine accommodation. SPS is only entitled to what is reasonably necessary to assess the leave, benefits, or accommodation, including:

- i. the nature of the disability;
- ii. the course of treatment prescribed or recommended and Employee compliance;
- iii. whether the disability is temporary or permanent;
- iv. functional restrictions and limitations in relation to current and alternative job duties;
- v. whether medical follow-ups are occurring;
- vi. whether the Employee was referred to a specialist;
- vii. the impact of treatment on the accommodation and/or job performance; and
- viii. the prognosis for recovery.

Return to Full Duties

4.12. Prior to return to full duties, the Employee is required to provide a certification of fitness.

4.13. If professional qualification, including firearms and use of force, has expired during the accommodation, the Employee may be required to requalify before returning to duty as determined by the Deputy Chief Constable Support Services Bureau, or delegate.

4.14. On return to full duties, the Employee may be required to fulfill training requirements in accordance with their job responsibilities.

APPENDIX A: DEFINITIONS

“Employee” means any employee of SPS (including Members and civilian staff).

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“Protected grounds” means protection from discrimination related to employment in accordance with the *BC Human Rights Code* based on a person’s race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

“Supervisor” means Team Leader, Manager, Sergeant, Staff Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a supervisory capacity who is accountable for a particular area or shift on behalf of the SPS.

APPENDIX B: REFERENCES

Human Rights Code, R.S.B.C. 1996, c. 210