

# THE JIM PATTISON BROADCAST GROUP POLICIES

## NON-DISCRIMINATION AND THE DUTY TO ACCOMMODATE

EFFECTIVE DATE: December, 2008

RESPONSIBILITY: President

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### STATEMENT

The JPBG (“JPBG”) is committed to provide an inclusive workplace environment free of discrimination. In support of this, the JPBG accepts responsibility to ensure that its policies, practices, work arrangements and facilities do not have unlawful discriminatory effects on individuals or groups protected under the *Human Rights Act*, or identified as a designated group under the *Employment Equity Act* (women, Aboriginal Peoples, persons with disabilities, and visible minorities).

The JPBG will take reasonable appropriate measures legally required to provide accommodation to its employees and applicants. The JPBG will respond in a timely, confidential and sensitive manner to requests for accommodations.

### APPLICATION

The policy applies to all the JPBG employees as well as candidates participating in the staffing process. An alternate format of the policy, including large print and electronic format is available on request.

### PERSON RESPONSIBLE FOR INTERPRETATION AND APPLICATION

All questions pertaining to the interpretation or application of this policy should be referred to the President.

## REFERENCES

- *Canadian Human Rights Act*
- *Employment Equity Act*

## GUIDELINES AND INTERPRETATION

As noted in the *Canadian Human Rights Act*, it is a discriminatory practice, directly or indirectly,

- A. To refuse to employ or continue to employ any individual on a prohibited ground of discrimination; or
- B. In the course of employment, to differentiate adversely in relation to an employee on a prohibited ground of discrimination.

Such practices are not discriminatory if they relate to the necessary, essential and legitimate job requirements of the position in question and the accommodation of the needs of an employee would impose undue hardship on the JPBG.

Employees and applicants are responsible for requesting accommodation when required, including identifying, where possible, types of reasonable accommodation.

Successful accommodation imposes responsibilities on the JPBG, its employees and the Unions who represent these employees. Any accommodation will be based on consultations with the employee or applicant concerned, his/her supervisor, a designated union representative and outside specialists, as appropriate.

Accommodation is often associated with the removal of physical barriers or the provision of technical devices. But accommodation is not restricted to people with disabilities. Accommodation may also be legally required on the basis some other ground under human rights legislation.

In considering whether a possible accommodation would impose undue hardship on the JPBG, health, safety and cost shall be taken into account.

The specific rights and obligations of those involved in the accommodation process are outlined herein.

## PROCEDURES

1. The JPBG will ensure that a copy of the policy and procedures is permanently posted at each of its operations. On request, it will be made available in alternate format, including large print and electronic format.
2. An employee may request accommodation by writing to his/her immediate supervisor, identifying what type of accommodation is required. The JPBG will require documentation from the employee to verify the need for accommodation. On receiving the request and

ensuring its validity, the Supervisor will work with the employee to identify options appropriate to that employee.

3. Supervisors and managers may initiate the procedure where they are aware that an employee or applicant who is a member of an identified group has (or is likely to have) a need for accommodation due to this characteristic and is prevented by reason of the characteristic from requesting the accommodation. The procedure, in this event, will only continue with the consent of the employee or applicant.
4. A candidate who requires accommodation in relation to a selection process, should inform the hiring manager what type of accommodation is required. The JPBG may require documentation from the candidate to verify the need for accommodation. On receiving the request, the hiring manager will work with the candidate to find the most appropriate means of accommodation so as to ensure the candidate can participate in the selection process as fully as possible.
5. Where the request involves issues outside the expertise of the JPBG, specialist advice will be sought, with the employee or applicant's consent.
6. If the department budget is unable to address the cost to accommodate, funding assistance should be requested through the normal component channels.
7. The accommodation option put into place will be reviewed periodically by the JPBG to evaluate its ongoing necessity and appropriateness (this must be supported by medical evidence in the case of disability).

### **Return to Work After Illness or Injury**

If the employee seeking accommodation is returning to work after illness or injury, he/she bears the responsibility of providing sufficient medical information to establish fitness to work and/or the necessity and nature of the accommodation requested. Such information will be treated confidentially.

If the JPBG has legitimate concerns about the medical evidence presented by the employee, it is entitled to further medical information, on how best to accommodate the limitations, rather than the condition itself.

The JPBG is responsible for and can conduct its own independent assessment of an employee's accommodation requirements and capacity to resume work.

Only after sufficient medical information, as determined by the Company, has been provided should the JPBG initiate the process of identifying appropriate measures of accommodation.

### **Job Restructuring**

The JPBG management will follow a four-step process in order to identify whether accommodation is necessary and the appropriate nature of that accommodation:

1. Determine if the employee can perform his/her existing job without modifications;
2. If the employee cannot do so then it is necessary to determine if he/she can perform the essential functions of his/her existing job, with appropriate accommodation;

3. If the employee cannot, then determine if he/she can perform another available and existing job in its existing form; and
4. If the employee cannot, then determine if he/she can perform the essential functions of another existing and available job with appropriate accommodation.

In the case of disability, medical evidence must be presented to establish the nature of the accommodation required.

### **Undue Hardship**

Accommodation options will only be considered up to the point of undue hardship on the JPBG. Health, cost and safety should be key elements in that analysis.

A non-exhaustive list of factors to be considered in assessing undue hardship include, but are not limited to the following:

- a) Financial cost;
- b) The health and safety of the employee requesting accommodation, as well as co-workers and the public;
- c) Disruption of any collective agreement;
- d) The inter-changeability of the workforce and workplace facilities; and
- e) Significant impact on the morale of other employees.

### **Appeal**

Where an employee or an applicant believes that his/her request for accommodation has not been handled in accordance with this policy or the accompanying procedure, that employee or applicant has a right of appeal.

An employee may request a review of the decision by submitting a request for reconsideration to the General Manager of the station the employee works at.

If following the review of the original decision, the applicant still not satisfied with a rejection of the requested accommodation, he/she may also ask that the matter be referred to the President.