



## IDENTIFICATION

Department	Position Title	
Finance	Duty to Accommodate Advisor	
Position Number	Community	Division/Region
15-13341	Yellowknife	Labour Relations/HQ

## PURPOSE OF THE POSITION

The primary purpose of this position is to provide expertise, advice, direction, and education to managers on duty to accommodate issues including both emergent and re-integration of employees into the workplace. The Duty to Accommodate Advisor (Advisor) is responsible for tracking and reporting on all employees requiring accommodation; tracking and reporting the accommodation measures; supporting ongoing and meaningful employer contact with these employees; and supporting facilitation of fair, safe, respectful, legal and appropriate accommodation plans and measures.

## SCOPE

Reporting to the Manager, Accommodations, Investigations and OHS, the Duty to Accommodate Advisor supports, facilitates, and promotes the GNWT'S duty to accommodate policy by providing advice and support to other human resource units within the Department of Finance and GNWT management.

Approximately 10% of the GNWT workforce is on an accommodation. Most need to have an accommodation plan in place to re-integrate into the workplace seamlessly while others may need to be accommodated upon their return to work. The duty to accommodate is a statutory requirement of the GNWT flowing from NWT Human Rights legislation labour law and employment law.

Failing to accommodate a protected ground to the point of undue hardship whether temporary, long term or permanent, results in a significant financial liability to the employer.



In dealing with accommodation matters time is of the essence. The employer may face a claim alleging failure to accommodate the employee's needs as result of failure to act and in a timely manner. It is equally critical that the employer fully document all attempts to obtain up to date and detailed medical information to substantiate the on-going leave and to assist in making informed decisions regarding accommodating an employee.

The major challenge for the incumbent is that while providing recommended direction on how to best facilitate the employee's return to work including accommodation if needed, there is no reporting relationship between the Advisor and the individual Managers responsible for managing the workplace. This challenge is heightened when all accommodation options have been exhausted within the home department and the Advisor and home department must look to other options within the GNWT. This requires significant change management skills on the part of the incumbent who will require the ability to clearly articulate the GNWT-wide statutory responsibility to accommodate employees.

Another challenge for the incumbent is to support management's responsibility to work collaboratively with employees and where appropriate, with Union representatives, in situations where interests may be competing. The incumbent is not an employee advocate but represents the GNWT's interests in meeting the duty to provide fair, safe, respectful, legal, and appropriate return to work and accommodation practices and processes.

Because of the unique circumstances of each employee's needs the incumbent must use sound judgment and extensive knowledge of the legal and practical issues around return to work and the duty to accommodate. It is these unique circumstances that also make it critical that the Advisor have a sound understanding of human behaviour and the ability to communicate with a wide range of individuals, in stressful circumstances.

The Advisor is required to research and maintain expertise in, labour, employment, and human rights law and to obtain and assess legal advice where necessary to recommend courses of action, resolve issues and ensure the employer's best interests are maintained regarding issues involving duty to accommodate and work hardening.

## **RESPONSIBILITIES**

- 1. Provide support and advice to management on re-integration of employees on extended leave, due to health reasons, into the workplace in a fair, safe, respectful, legal, and appropriate manner.**



- Collaborates or supports collaboration with managers to ensure that appropriate accommodation plans are developed, implemented and monitored.
  - Collaborates or supports collaboration with managers to ensure that appropriate accommodation measures are identified, implemented, and monitored.
  - Facilitates or supports facilitation of meetings between manager, employee, and bargaining unit (when applicable) to address complex accommodation and other re-integration issues.
  - Identifies other options within the GNWT when all efforts to accommodate the employee in their home department have been exhausted.
  - Identifies systemic issues impacting on an employee's re-integration into the workplace.
  - Ensures that accommodation measures and accommodation plans do not compromise the dignity of the employee.
  - Monitors accommodations for effectiveness and to assist in determining when accommodations are no longer required.
  - Develops best practices, guidelines, protocols, standards, and processes to assist other human resource practitioners and managers in re-integrating employees into the workplace.
  - Builds collaborative relationships with Labour Relations Advisors, Client Service Managers, bargaining unit representatives, managers and pension and insurance specialists.
  - Interfaces with Workers' Safety and Compensation Commission.
  - Takes the lead and works consultatively with Labour Relations Advisors and Client Service Managers on medical termination issues.
- 2. Provides advice and direction to other human resource practitioners and managers on duty to accommodate and other re-integration issues including but not limited to:**
- when and how to communicate with the employee to ensure early, consistent, on-going, non-confrontational and well documented communication.
  - the employer's legal obligation to accommodate and the liability of not doing so.
  - how to appropriately and legally seek the medical information and prognosis needed to make informed decisions, including what a medical practitioner can and cannot be asked.
  - accommodation options.
  - Contents of an accommodation plan.
  - identifying bona fide occupational requirements.



### **3. Educating managers on duty to accommodate and other re-integration issues.**

- Develops, delivers and evaluates a variety of training methods, programs and materials for other human resource practitioners and managers on duty to accommodate and other workplace re-integration issues.
- Researches, synthesizes and compiles information on an on-going basis, to ensure the GNWT is continuing to establish and maintain best practices and standards in accommodation measures and in re-integrating employees into the workplace.

### **4. Monitors and evaluates the effectiveness of accommodation plans and measures to ensure best practices and that the GNWT is meeting its legal obligations.**

- Develops and implements standards for record keeping and reporting.
- Establishes a reliable tracking system of employees on extended leave for health reasons.
- Establishes files and documents all aspects of the efforts to re-integrate an employee into a workplace including all efforts to accommodate the employee.
- Completes and distributes monthly and quarterly reports (both statistical and written) including but not limited to: accommodation measures by department and region.
- Compiles other reports as needed (both statistical and written)
- Monitors accommodation plans and accommodations to establish baseline data and measure effectiveness in re-integrating employees into the workplace in a safe, respectful, timely and appropriate manner.

## **WORKING CONDITIONS**

### **Physical Demands**

No unusual demands.

### **Environmental Conditions**

No unusual conditions.

### **Sensory Demands**

Close attention to detail is required when researching various sources of technical and legal information. Close attention to detail and heightened observation skills are required when participating in meetings with employees. The intensity of these activities can be high when dealing with multiple parties with divergent interests, requiring the Advisor to be at a



heightened state of awareness to ensure relevant information is not overlooked and that the integrity of the process is maintained.

### **Mental Demands**

The position recommends courses of action to managers with no reporting relationship requiring a need to negotiate from a position of no formal authority.

The position deals with highly personal and sensitive information and with individuals who may be under high levels of stress and feel vulnerable, manifesting in highly emotionally charged behaviour daily. The incumbent must be comfortable with other individual's expression of emotion and act with professionalism and sensitivity when dealing with these employees.

The position communicates with a wide variety of people from diverse professional and socio-economic backgrounds and must adapt communication approach accordingly.

The recommendations made by this position have the potential to have a far wider impact than just the employee and the incumbent must remain cognizant of all potential impacts.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Knowledge of the duty to accommodate process.
- Knowledge of and ability to apply best practices in human resource management, specifically in complex return to work and duty to accommodate issues.
- Knowledge of and ability to interpret accurately collective agreements, policies, legislation and case law.
- Knowledge of public service organizations, environment, culture and structure with the ability to anticipate, recognize and understand issues specific to public service.
- Knowledge of disability insurance plans and pensions and Workers' Safety and Compensation Commission processes and benefits.
- Ability to work independently and in a self-directed manner.
- Ability to manage time effectively and remain organized.
- Research, synthesis, and analytical skills.
- Understanding of human behaviour including the ability to deal with employees in a respectful and sensitive manner while not losing focus of the goal of re-integration.
- Ability to educate, persuade, convince, or influence others to reach agreement on a course of action.
- Ability to understand a situation or issue by breaking it into smaller pieces, or trace implications of a situation in a sequential manner. This includes setting priorities,



identifying time sequences and causal relationships.

- Ability to communicate effectively, both orally and in writing with a diverse group of people ranging from senior management to union representatives to medical professionals to employees with divergent backgrounds, interests, and literacy levels.
- Ability to write in a clear, sequential and concise manner a variety of documents which are easily understood by both professionals and non-professionals.
- Understanding of privacy and confidentiality issues, including medical confidentiality protocols.
- Ability to work collaboratively.
- Ability to listen and respond positively in interactions with individuals who may feel vulnerable.
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion, and cultural awareness, as well as safety and sensitivity approaches in the workplace.

**Typically, the above qualifications would be attained by:**

A bachelor's degree with two years' experience in human resources, interpreting legislation, collective agreements, policy, or case law, and providing advice, including at least one year of direct experience in labour relations.

Equivalent combinations of education and experience will be considered.

**ADDITIONAL REQUIREMENTS**

**Position Security** (check one)

- ☐ No criminal records check required.
- ☒ Position of Trust – criminal records check required.
- ☐ Highly sensitive position – requires verification of identity and a criminal records check.

**French language** (check one if applicable)

- ☐ French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐

READING COMPREHENSION:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐  
WRITING SKILLS:

Basic (B) ☐ Intermediate (I) ☐ Advanced (A) ☐  
☐ French preferred

**Indigenous language:** Select language

☐ Required  
☐ Preferred