



DUTY TO ACCOMMODATE INJURY AND DISABILITY

1. POLICY STATEMENT

The Government of the Northwest Territories (GNWT) has a duty to accommodate employees in instances in which, due to the consequence of a disease, injury or condition, an employee's ability to do their job has been impaired.

The GNWT is committed to working with employees in identifying and providing safe, timely and reasonable accommodation measures.

2. PRINCIPLES

The GNWT will adhere to the following principles when implementing this Policy:

- (1) The GNWT should address accommodation as soon as is reasonably and safely possible, with a safe and supported return to work as the normal practice and expectation.
- (2) The GNWT should work with the employee in identifying and providing safe, timely and reasonable accommodation measures.
- (3) A reasonable accommodation respects the dignity and ability of the employee.
- (4) Accommodation measures vary according to the medically substantiated limitations and restrictions of the employee and may be temporary, long term or permanent in nature.
- (5) In order to accommodate the employee in a timely and appropriate manner, medical information regarding the employee's restrictions, limitations, and prognosis is needed.
- (6) All documents and information relating to an employee's medical condition and history are to be treated with the utmost confidentiality by all participants involved.
- (7) Accommodation measures must not create an undue hardship for the GNWT.
- (8) Accommodation measures must not pose a risk to public safety.
- (9) The duty to accommodate is discharged once the GNWT's efforts to accommodate an employee have reached the point of undue hardship or the employee frustrates the accommodation process.

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3. SCOPE

This policy applies to all departments, agencies and employees of the Government of the Northwest Territories, except the Northwest Territories Power Corporation.

4. DEFINITIONS

The following definitions apply to this policy:

Accommodation Measure – action taken to accommodate the temporary, long term or permanent incapacity of an employee to perform a part or all of their job.

Deputy Head – the Deputy Minister of a department, Superintendent of a divisional education council, Chief Executive Officer or President of a board, authority, agency or a person appointed as deputy head.

Disability – for the purposes of this policy a disability is a consequence of a disease, injury, or medical condition that impairs one or more facets of the employee’s ability to perform their job. The impairment may be temporary, long term or permanent.

Duty to Accommodate – is a fundamental legal obligation under the NWT *Human Rights Act*. In the employment context, it usually takes the form of accommodating an employee with a disability.

Medical Practitioner – is a Physician. However, in certain circumstances, it could also include such practitioners as: Occupational or Physical Therapist, Nurse Practitioner, Nurse in Charge in a Community Health Clinic, Psychologist or Addictions Counsellor.

Undue Hardship – an undue hardship occurs when an accommodation would create a substantial and unmanageable workplace burden for the GNWT. Such a burden includes financial, operational, and safety considerations.

5. AUTHORITY AND ACCOUNTABILITY

(1) General

This policy is issued under the authority of the Financial Management Board. Authority and accountability is further defined as follows:

(a) Ministers

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Government of the Northwest Territories Ministers are accountable for the implementation of this policy in their Departments and Agencies.

(b) Deputy Heads

Government of the Northwest Territories Deputy Heads are accountable for the administration and implementation of this policy in their Departments and Agencies.

(2) Specific

(a) Minister of Finance

- i. Recommend amendments to this policy to the Financial Management Board.

(b) Deputy Head of the Department of Finance

- ii. May establish further guidelines on the application of this policy.
- iii. Provide support, direction, training and advice on the mandate of the policy and procedural issues.

(c) Deputy Heads

- i. Ensure appropriate communication of the policy and accompanying processes.
- ii. Ensure appropriate training is provided.
- iii. Ensure the employer's duty to accommodate is met and carried out in a timely, safe, reasonable and dignified manner.
- iv. Approve accommodation measures.

(d) Managers

- i. Implement the accommodation process for employees under their supervision.
- ii. Work collaboratively with employees in identifying and accepting reasonable accommodation measures.

(e) Employees

- i. Advise employer of any restrictions or limitations to performing the job related to disability or injury.
- ii. Respond in a timely manner to employer requests for appropriate medical information in regard to restrictions, limitations and prognosis.

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- iii. Work collaboratively with the employer in identifying and accepting reasonable accommodation measures.

6. PREROGATIVE OF THE FINANCIAL MANAGEMENT BOARD

Nothing in this Policy shall in any way be construed to limit the prerogative of the Financial Management Board to make decisions or take action with respect to accommodation outside the provisions of this policy.



Chair of the Financial Management Board