



SIMON FRASER UNIVERSITY
ENGAGING THE WORLD

TO:

Senate

FROM

Joy Johnson

Chair – Senate Committee on Agenda and Rules (SCAR)

DATE:

May 9, 2025

SUBJECT:

GP40 – Disability Accommodation in the Workplace Policy
Review

SCAR has reviewed S.25-91 (GP40 – Disability Accommodation in the Workplace Policy Review) and is forwarding it to Senate for information.

MEMO**ATTENTION Senate Committee on Agenda and Rules (SCAR)**

FROM Laya Behbahani | Director, Equity, Diversity and Inclusion, Staff Initiatives
Jackie Davie | Associate Director, Organizational Health Office

RE GP40 – Disability Accommodation in the Workplace Policy Review

DATE May 1, 2025

GP 40 was created on March 26, 2009 and is being updated as it is past the renewal period, and to reflect current legislation (such as the Accessible BC Act) and initiatives at SFU (e.g. SFU's Accessibility Plan).

BACKGROUND

GP 40 was last revised on March 26, 2009. Since that time, SFU has worked toward the creation of a fair and equitable environment for staff, faculty and students through various initiatives culminating in the creation of the Office of the Vice President, People, Equity and Inclusion to support a comprehensive approach to people and equity. The resulting institutional commitments made within SFU's Equity Compass, combined with recent developments in provincial legislation (passing of the Accessible BC Act) means it is important to ensure SFU's institutional policy on disability in the workplace is aligned with legislative frameworks, and oversight to deliver on disability accommodations for staff and faculty at the institution. The SFU Accessibility Secretariat and Organizational Health Office have reviewed the existing policy, gone through the consultation phases and are sharing the proposed changes in this memo.

NEXT STEPS & OVERSIGHT

1. February 2025 – Accessibility Secretariat will collaborate with Labour Relations and Faculty Relations to conduct consultations with Constituency Organizations, inclusive of unions (CUPE, TSSU, SFUFA, PolyParty) and APSA.
2. March 2025 – consultations will be conducted by the EDI Directors for Faculty and Staff Initiatives with Faculty Relations, the Provost's Office, Legal Counsel, Human Rights Office, Office of Aboriginal Peoples, Bullying and Harassment hub, Institutional Research & Planning, as well as Labour Relations.
3. April 2025 – University-wide consultations. Communicated to the broader university community through the Policy Gazette. Any who did not respond earlier will still have opportunity to provide input in April and university-wide consultation will be open for a month.
4. May 2025 – Policy to be sent to GRCC, Board of Governors, and SCAR/Senate for information.
5. July 2025 – submit final copy of policy to Executive Team.
6. Sep 2025 – submit policy to Board for approval.

ATTACHMENTS

- Proposed Revised GP40 (with changes highlighted in yellow)
- Appendix A – Definitions – Disability Accommodation in the Workplace Policy (with changes highlighted in yellow)
- Disability Accommodation in the Workplace Procedures (with changes highlighted in yellow)
- Item 4.6. Policy GP40 Disability Accommodation in the Workplace- Consultation Plan Approval

Disability Accommodation in the Workplace

Date	Number
March 26, 2009	GP 40
Date of Last Review/Revision	Mandated Review
[N/A]	[date]

Policy Authority: *Vice-President, People, Equity and Inclusion and Provost and Vice-President Academic.*

Associated Procedure(s): Disability Accommodation in the Workplace PDF.

EXECUTIVE SUMMARY

This policy responds to the University's obligations under British Columbia's Human Rights Code to accommodate Employees with disabilities and assigns responsibility for overseeing those obligations to the **Associate Director, Organizational Health**.

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[**Please see the SFU Policy Template Technical User Guide for instructions on how to update this auto-numbered Table of Contents]

1.0 PREAMBLE

- 1.1 Simon Fraser University (“the University”) is committed to providing an employment environment in which persons with (a) Disability (ies) can:
 - 1.1.1 equitably participate in employment;
 - 1.1.2 fully participate in the range of activities offered by the University; and
 - 1.1.3 are able to achieve their full potential as members of the University community.

2.0 PURPOSE

- 2.1 This policy responds to the University’s obligations under the British Columbia Human Rights Code to accommodate persons with disabilities.

3.0 SCOPE AND JURISDICTION

- 3.1 This policy applies to all Employees of Simon Fraser University.

4.0 DEFINITIONS

- 4.1 Please see Appendix A for the definitions of words used in this policy and its associated procedures.

5.0 POLICY

- 5.1 The needs of persons with disabilities shall be accommodated in a manner that respects their dignity and right to privacy.
- 5.2 The duty to accommodate is a responsibility that rests jointly with the Employee, and the University.
- 5.3 The primary focus of this policy is to enable Employees to perform the essential duties of their, or a similar position.
- 5.4 This policy will be implemented in accordance with its associated procedures.

6.0 ROLES AND RESPONSIBILITIES

- 6.1 Employees who apply for accommodation while absent from their work at the University due to long term Disability or sick leave or those seeking accommodation for Disability, but who are not on sick leave or long-term Disability, will consult the **Associate Director, Organizational Health or an Organizational Health Specialist** who may carry out one or more of the following roles within the terms of this policy:

- 6.1.1 receive, review, and retain medical documentation provided by the Employee requesting accommodation;
- 6.1.2 make recommendations or decisions regarding accommodation;
- 6.1.3 on the request of the Employee or Constituency Organizations, review the accommodations that are in place to determine whether they are appropriate; and/or
- 6.1.4 liaise with supervisors to identify and secure the funding necessary to provide the accommodation.

6.2 In carrying out the responsibilities specified in sections 6.1.1 to 6.1.4, the Associate Director, Organizational Health may consult with any of: the Employee; the Employee's manager or supervisor, as applicable; subject to the Employee's consent, the Employee's Constituency Organization, as applicable; departments or units within SFU that may provide support relating to these responsibilities including the Human Rights Office; or any combination of them.

6.3 The duty to accommodate does not require SFU to displace another Employee, place Employees in a job that they are not qualified for or cannot safely perform or provide an accommodation that would otherwise result in Undue Hardshipⁱ.

6.4 The Employee has a responsibility to communicate at the earliest possible opportunity and in sufficient detail their need for accommodation, to provide appropriate documentation as necessary, and to cooperate and participate in finding a solution and implementing accommodation.

6.5 The University has the primary responsibility to provide reasonable accommodation subject to bona fide occupational requirements and to the point of Undue Hardship.

6.6 All individuals having the authority to make or influence employment decisions have the responsibility to consider accommodation options, as appropriate, based on bona fide occupational requirements and up to the point of Undue Hardship.

6.7 The University has the responsibility to make every reasonable effort to the point of Undue Hardship.

7.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

7.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:

- 7.1.1 *University Act*, R.S.B.C. 1996, c. 468
- 7.1.2 *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165
- 7.1.3 Human Rights Code [RSBC 1996] CHAPTER 210
- 7.1.4 Human Rights Policy (GP 18)
- 7.1.5 *Accessible British Columbia Act* [SBC 2021] CHAPTER 19
- 7.1.6 Canada Labour Code (R.S.C., 1985, c. L-2)
- 7.1.7 Employment Equity Act (S.C. 1995, c. 44)
- 7.1.8 Employment Equity (GP 19)

8.0 ACCESS TO INFORMATION AND PROTECTION OF PRIVACY

8.1 The information and records made and received to administer this policy are subject to the access to information and protection of privacy provisions of British Columbia's *Freedom of Information and Protection of Privacy Act* and the University's Information Policy series.

9.0 RETENTION AND DISPOSAL OF RECORDS

9.1 Information and records made and received to administer this policy are evidence of the University's actions to [describe actions]. Information and records must be retained and disposed of in accordance with a records retention schedule approved by the University Archivist.

10.0 POLICY REVIEW

10.1 This policy must be reviewed every five years and may always be reviewed as needed.

11.0 POLICY AUTHORITY

11.1 This policy is administered under the authority of the Vice-President, People, Equity and Inclusion and the Provost and Vice-President Academic.

12.0 INTERPRETATION

12.1 Questions of interpretation or application of this policy or its procedures shall be referred to the Vice-President, People, Equity and Inclusion whose decision shall be final.

13.0 PROCEDURES AND OTHER ASSOCIATED DOCUMENTS

13.1 Appendix A contains the definitions applicable to this policy and its associated procedures.

13.2 The procedures for this policy are: Disability Accommodation in the Workplace Procedures (PDF)

¹See BC Human Rights Tribunal website for more information on 'Undue Hardship': <https://www.bchrt.bc.ca/human-rights-duties/employment/>. Alternatively see British Columbia's Office of the Human Rights Commission for the definition of 'Undue Hardship': <https://bchumanrights.ca/glossary/undue-hardship/>.

APPENDIX A - DEFINITIONS - DISABILITY ACCOMMODATION IN THE WORKPLACE POLICY

Date	Number
March 26, 2009	GP 40
Date of Last Review/Revision	Mandated Review
[date]	[date]

Policy Authority: *Vice-President, People, Equity & Inclusion and Provost and Vice-President Academic.*

Parent Policy: Disability Accommodation in the Workplace (GP 40)

1.0 PURPOSE

1.1 The definitions in this Appendix define the words used in the Disability Accommodation in the Workplace Policy – GP 40 and in the Disability Accommodation in the Workplace Procedures.

2.0 DEFINITIONS

2.1 **Application for Accommodation** means notice in writing from an employee in which the applicant advises the University of the existence of a disability and provides supporting written documentation from a duly qualified medical specialist. The University shall determine the adequacy of the medical documentation to support a claim for accommodation and may request additional information.

2.2 **Barrier** means anything that hinders a person's full and equal participation in society, caused by environments, attitudes, practices, policies, communications or technologies.

2.2 **Constituency Organization** means administrative and Professional Staff Association, CUPE 3338, Poly Party, SFU Faculty Association, Teaching Support Staff Union.

2.3 **Disability** means a challenge to full and equal participation in society because of the interaction of a person's physical or cognitive difference (whether permanent, chronic, temporary or episodic) and a barrier.

2.4 **Employee** means a full- or part-time member of the faculty or staff of the University.

2.5 **Medical Specialist** means physicians who have completed advanced education and clinical training in specific specialties, such as (but not limited to) a psychiatrist, cardiologist, allergist, endocrinologist, gastroenterologist and/or neurologist. Medical documentation from individuals who are not physicians will not be accepted.

2.6 Protected Characteristics means either someone's actual characteristics or ~~may be~~ how they are seen/categorized societally. The BC Human Rights Code forbids discrimination based only on certain personal characteristics. Sometimes these are called "protected characteristics" or "grounds of discrimination". These grounds are listed in Section 13 of the BC Human Rights Code.

2.6 Reasonable Accommodation means the modification or extension of University resources to mitigate the effects of the disability.

2.7 Undue Hardship means the point at which it is too unsafe, difficult, or expensive to remove barriers so people can participate in work or other areas of daily life. The point of undue hardship depends on the circumstances of each situation.

DISABILITY ACCOMMODATION IN THE WORKPLACE PROCEDURES

Date	March 26, 2009	Number	GP 40
Date of Last Review/Revision	[date]	Mandated Review	[date]

Policy Authority: **Vice-President, People, Equity and Inclusion and Provost and Vice-President Academic.**

Parent Policy: Disability Accommodation in the Workplace (GP 40)

1.0 PURPOSE

1.1 To outline the process for University Employees who seek workplace accommodation in relation to **(a) Disability (ies).**

2.0 DEFINITIONS

2.1 See Appendix A to the Disability in the Workplace Accommodations Policy for definitions of words used in the policy and in these procedures.

3.0 PROCEDURE

3.1 An Employee shall notify **Organizational Health** that the Employee has a Disability which requires accommodation. Within 10 business days of receiving the notification, **Organization Health** will meet with the Employee to discuss the **Application for Accommodation**.

3.2 Within a reasonable time thereafter, the Employee will provide a written medical report which stipulates the nature and scope of the Disability and describes the functional limitations. The cost of the report will be the responsibility of the Employee, but in exceptional circumstances, the University may cover the costs.

3.3 The approval of an **Application for Accommodation** rests with the **Associate Director of Organizational Health**. In carrying out sections 6.1.1. and 6.1.4 of GP 40, the **Associate Director, Organizational Health** may consult with any of: the Employee; the Employee's manager or supervisor, as applicable; subject to the Employee's consent, the Employee's **Constituency Organization**, as applicable; departments or units within SFU that may provide support relating to these responsibilities; or any combination of them. The decision shall be made within a reasonable period following receipt of the medical documentation. If an accommodation is not approved, the reasons must be submitted in writing. The Employee can appeal this decision within 10 business days to the **Vice-President, People, Equity and Inclusion**, whose decision is final.

- 3.4 Once an **Application for Accommodation** has been approved by the **Associate Director of Organizational Health**, a meeting will be convened to discuss the accommodation. The process of accommodation is a multi-party inquiry in which the Employee, **the Human Rights Office**, the Employee's **Constituency Organization**, and the University work together to find a Reasonable Accommodation, which may not necessarily be the Employee's preferred accommodation.
- 3.5 If workplace modifications are required, the **Associate Director of Organizational Health** will inform the Employee's supervisor. The nature of the Disability, including the diagnosis, prognosis and treatment shall remain confidential. Information that is shared with the supervisor will be shared strictly on a "need-to-know" basis.
- 3.6 Costs associated with providing accommodations shall be borne by the University, **from the departmental budget**.

4.0 RELATED LEGAL, POLICY AUTHORITIES AND AGREEMENTS

- 4.1 The legal and other University Policy authorities and agreements that may bear on the administration of this policy and may be consulted as needed include but are not limited to:
 - 4.1.1 *University Act*, R.S.B.C. 1996, c. 468
 - 4.1.2 *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165
 - 4.1.3 Human Rights Code **[RSBC 1996] CHAPTER 210**
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 - 4.1.7 Employment Equity Act (S.C. 1995, c. 44)
 - 4.1.8 Employment Equity (GP 19)



SFU

BOARD OF GOVERNORS

MEMO

Simon Fraser University
8888 University Drive
Burnaby BC V5A 1S6
Canada

Tel 778.782.4644

Attention: Yabome Gilpin-Jackson, Vice-President, People, Equity, and Inclusion Dilson Rassier, Provost & Vice-President Academic
From: The Board of Governors Office
Re: Item 4.6. Policy GP40 Disability Accommodation in the Workplace - Consultation Plan Approval
Date: January 30, 2025

This is to advise that the Board of Governors have approved the following motion at its meeting of January 30, 2025:

That the Governance, Risk and Compliance Committee of the Board of Governors, acting under delegated authority, approve the consultation plan described in the memo and the statement regarding the scope of Senate engagement attached as Schedule [A] hereto.

Reference:

Item 4.6. Policy GP40 Disability Accommodation in the Workplace - Consultation Plan Approval

December 20, 2024

Copy:

Laya Behbahani, Director, Equity, Diversity and Inclusion, Staff Initiatives

Jackie Davie, Associate Director, Organizational Health Office

Schedule A

Policy GP40 (Disability Accommodation in the Workplace) concerns SFU's legal obligation to provide accommodation in respect of personal characteristics that are protected by the *Human Rights Code*, and specifically disability as a protected personal characteristic of employees in the workplace. Accordingly, per sections 27(1) and 37(1) of the *University Act*, this policy is within the sole jurisdiction of the Board of Governors (Board).

With respect to next steps in Senate engagement, the Board directs the Designated Lead to:

- forward to the Senate Office the notice for the University community to provide comments and feedback during the anticipated community consultations phase of this policy's development; and
- present this policy to SCAR for consideration.