



SUBJECT	Proposed New Policy: Workplace Accommodation Policy for UBC Employees (HR13) ("Workplace Accommodation Policy")
SUBMITTED TO	Employee Relations Committee
MEETING DATE	November 18, 2022
SESSION CLASSIFICATION	Recommended session criteria from Board Meetings Policy: OPEN
REQUEST	For information only - No action requested
LEAD EXECUTIVE	Hubert Lai, K.C., University Counsel
SUPPORTED BY	Marcia Buchholz, Vice-President, Human Resources Karen Choi, Legal Counsel Virginie Vigeant, Policy Development Committee Secretary

PRIOR SUBMISSIONS

The subject matter of this submission has been considered previously by the Employee Relations Committee on the following occasion:

1. [June 16, 2022](#) (OPEN SESSION)

Action/Follow up: The proposed Workplace Accommodation Policy was published for public comment following the June 2022 Employee Relations Committee meeting. It was hoped that a final proposal could be presented to the Employee Relations Committee at its December 2022 meeting.

The following Executive Summary assumes familiarity with the prior submissions and provides a status update from the date of the most recent submission.

EXECUTIVE SUMMARY

Over the past year, UBC has undertaken various strategic efforts towards the goal of reducing and eliminating barriers for disabled faculty and staff. These efforts have included dialogue and consultation with the Disability Affinity Group on various programs, including the Hybrid Work Program, the launch of the Centre for Workplace Accessibility and the Workplace Accommodation Fund. In addition, the Office of the University Counsel ("OUC") convened a policy development committee (the "PDC") to prepare a proposal related to workplace accommodations in accordance with the process set out in the Board's [Regulatory Framework Policy](#).

After the PDC was convened and had commenced its work, the provincial government enacted the *Accessible British Columbia* Regulation, bringing post-secondary educational institutions such as UBC under the scope of the *Accessible British Columbia Act* (the "Act") effective September 1, 2023. The Act mandates the establishment of an accessibility committee to develop an accessibility plan to identify, remove and prevent barriers to individuals in or interacting with UBC.

The PDC developed a proposed Workplace Accommodation Policy, encompassing all types of accommodations under the BC Human Rights Code (e.g. family status, religion, disability, etc.), which was presented to the Employee Relations Committee for input at its June 2022 meeting. The Governors were generally supportive and provided several suggestions for the PDC to consider when it reconvened after the community consultation

period. Based on Governors' and community feedback, the PDC was expanded to add stakeholder perspectives, including a nominee from the AMS and two disabled employees.

The proposed Workplace Accommodation Policy was published for community consultation from June 17, 2022 to October 2, 2022. This resulted in 10 submissions for a total of 59 pages of comments, including comments from individuals, various unions (e.g. CUPE 2950, CUPE 116) and the Disability Affinity Group.

In addition, the PDC hosted a community feedback meeting on Sept 21, 2022 to receive comments orally from interested community members. All respondents who had provided comments up to Sept 20, 2022 were invited to present, in addition to stakeholder groups who had expressed interest in workplace accommodations. A total of six presenters, of whom three were nominated by the Disability Affinity Group, were given time to share their perspectives and provide input to the PDC.

The PDC reconvened in October to consider and discuss the feedback from the comment period. Based upon these discussions and the ongoing work related to the creation of an accessibility committee, it recommended to the University Counsel and the Vice-President, Human Resources that the development of a workplace accommodation policy be paused.

The University Counsel and the Vice-President, Human Resources agree with the PDC's recommendation. They recognize that a Workplace Accommodation Policy is one tool to address accessibility on UBC campuses. The Centre for Workplace Accessibility and the Workplace Accommodation Fund have now been operational for more than six months and will be expanded on Nov. 1, 2022 to provide services virtually to UBC Okanagan, including extending the Workplace Accommodation Fund to cover accessibility and accommodation costs for UBC Okanagan employees. Additional experience gained from those operations can further inform the development of a Workplace Accommodation Policy.

The PDC identified a number of benefits that would flow from a pause in the policy development process:

- 1) The PDC's work should be guided by decisions on UBC's approach to accessibility (including through the accessibility plan which will be developed by its *Accessible British Columbia Act* accessibility committee) and any operational or financial resources allocated by the Executive under the oversight of the Board;
- 2) The PDC's work should be informed by the input of relevant bodies (e.g. the *Accessible British Columbia Act* accessibility committee, and any other relevant advisors);
- 3) The above considerations (1 – 2) will assist in determining whether UBC would like a single accommodation policy covering all types of accommodations (as is the case with the current draft) or separate policies for each protected ground under the *Human Rights Code* that requires an accommodation;
- 4) The above considerations (1 - 3) will inform what additional consultation/data gathering would be appropriate to supplement the process set out in the Board's Regulatory Framework Policy; and
- 5) The above considerations (1 - 4) will influence the composition of the PDC going forward.