



IDENTIFICATION

Department	Position Title	
Finance	Duty to Accommodate Advisor	
Position Number(s)	Community	Division/Region(s)
15-13986	Inuvik	Labour Relations

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 reintegration of employees with disabilities into the workplace. The Duty to Accommodate Advisor (Advisor) is the case manager to the extent that the position is responsible for tracking and reporting on all employees with disabilities requiring accommodation; tracking and reporting on all accommodation measures; supporting ongoing and meaningful employer contact with these employees; and supporting facilitation of fair, safe, respectful, legal and appropriate Return to Work plans and accommodation measures.

SCOPE

Reporting to the Manager of Accommodations, Bargaining and Investigations (ABI), Labour Relations Division, the position supports, facilitates and promotes the GNWT'S duty to accommodate employees with short term or long term disabilities.

On an average the GNWT has approximately 40 - 50 employees on extended leave for health reasons in any given month. Most need to have Return to Work plans in place in order to re-integrate back 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 disability 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 in regard to accommodating an employee.

The major challenge for the incumbent is that while providing 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 as a whole. 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 with disabilities.

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 person's injury, illness or disability 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 behavior 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 asses legal advice where necessary to recommend courses of action, resolve issues and ensure the employer's best interests are maintained in regard to issues involving duty to accommodate and work hardening. The common law respecting the duty to accommodate is rapidly evolving and it is critical that the Advisor remain current. The impact of providing poor advice, training and/or recommendations can result in embarrassment to the GNWT; poor employee morale; and substantial financial liability.

RESPONSIBILITIES

1. 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 Return to Work 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.

- 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, ongoing, 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 a return to work plan; and
 - Identifying bona fide occupational requirements.
- 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 Return to Work 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. 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.

3. Monitors and evaluates the effectiveness of Return to Work plans and accommodation 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 return to work 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 course of action to managers with no reporting relationship requiring a need to negotiate from a position of no formal authority.

The position deals on a daily basis 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 behavior. 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

- Advanced level knowledge of the duty to accommodate.
- Comprehensive knowledge of and ability to apply best practices in human resource management, specifically in complex return to work and duty to accommodate issues.
- Sound knowledge of and ability to interpret accurately collective agreements, policies, legislation and case law.
- Sound knowledge of public service organizations, environment, culture and structure with the ability to anticipate, recognize and understand issues specific to public service.
- Working 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.
- Sound research, synthesis and analytical skills.
- Understanding of human behavior 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.
- Comprehensive understanding of privacy and confidentiality issues, including medical confidentiality protocols.
- Ability to work collaboratively.
- Ability to interact appropriately with individuals who may feel vulnerable and may manifest these feelings in an aggressive fashion.

Typically, the above qualifications would be attained by:

A relevant Bachelor's Degree with at least three years progressive experience in the human resources, including at least one year of direct experience in labour relations.

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

Aboriginal language: To choose a language, click here.

- Required
- Preferred