

# COLLECTIVE AGREEMENT JOINT INTERPRETATION UPDATE

Date: June 24, 2016

SUN #: 16-006

**Re:** Article 19 - DUTY TO ACCOMMODATE



2330 2nd Avenue  
Regina, SK  
S4R 1A6

Phone:  
306.525.1666  
Toll Free:  
800.667.7060  
Fax:  
306.522.4612

<http://sun-nurses.sk.ca/>



500 – 2002 Victoria  
Avenue  
Regina, SK  
S4P 0R7

**Labour Relations  
Division**

Phone:  
306.347.1740  
Fax:  
306.347.1043

[www.saho.ca](http://www.saho.ca)

## **Issue: 19.01 Duty To Accommodate**

The Employer, the Union and the Employees acknowledge their duty to accommodate Employee(s) with disabilities regardless of status (Full time, OTFT – Part time, OTFT – JS, and OTFT –Casual) up to the point of undue hardship. Where an Employee notifies the Employer she is able to return to work, verified by a physician's certificate, the Employer, the Union and Employee shall meet, **in a timely manner** to review the physician's certificate and identify the accommodations required for that Employee, prior to the Employee returning to work. The parties shall meet as needed thereafter and will identify further information or processes such as work trials needed to enable a satisfactory return to work for the Employee.

Any party who is unable to agree to an accommodation must provide written rationale for such disagreement.

The parties recognize the requirement to accommodate an OTFT – Casual Employee. Subject to the Employee's restrictions and limitations and the Union's and Employer's ability to accommodate up to the point of undue hardship, the Employee shall be offered casual work based on the developed procedures as per Article 37.13 \*.

## **Interpretation Guidelines:**

### **Article 19.01**

The parties deleted the reference to "within 14 days" in this provision in deference to an arbitration award that determined 14 days was too long of a time period to meet for an accommodation. The parties amended the language to read "in a timely manner" to encourage the parties to meet as quickly as possible, and in every instance, in less than 14 days.

\* **Note:** The Agreement references Article 37.13; this is an error, the reference should be to Article 37.09.