

Topic: Medical Leaves, Return to Work Meetings, and Accommodations.

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Hello Mount Royal Faculty Association members,

Throughout the year faculty often have to engage in processes related to medical leaves, accommodations, or return to work meetings as outlined in Article 17 and the MOU on Accommodation. These meetings tend to occur at the end and/or beginning of semesters when leave plans are revisited and refreshed with updated medical information and the Association is routinely invited to participate in these meetings as a resource and support to Employees.

This reference information is designed to help you navigate the medical leave process, from a variety of perspectives. Whether you are accessing the process as an Employee or supporting a colleague as a Chair or Academic Director, this advisory is for you. And, of course, should you have any specific questions and/or concerns that are not addressed, please do not hesitate to contact the Association at LabourRelations@mrfa.net.

Medical Information

Ultimately, if you or a colleague need to access a medical leave or accommodation, all medical documentation is provided by the affected Employee and Human Resources Office's Ability Management Consultant, [Heidi Peterson](#). Additional points of contact might include:

- i) your Dean and your Chair regarding scheduling, though questions regarding the medical nature can be directed to Heidi,
- ii) the Association, who can support members as they progress through the process.

Contract faculty who require accommodations should within ten Days following the notification of their workload allocation, or as soon as possible, notify the Chair of any accommodations relating to a disability required for the delivery of the allocated workload.

Note: Chairs, Deans, colleagues, and the Association do not have access to any medical information unless you decide to share it.

During these processes, the Employer will have some legitimate need to know some information; however, this right is not without limitation. In the case of medical leave, accommodations, and returning to work, the development of an accommodation plan will require information from your qualified practitioner about medically-necessary restrictions and limitations. But, the employer is not automatically entitled to know the full details of your medical situation.

Any information you share with the Employer must be held in confidence within the Human Resources Office's Ability Management Consultant's office, and only released on a need-to-know basis. Members are encouraged to consult with the Faculty Association in confidence should they have further questions.

Medical Leaves

Medical leaves (Article 17.2) of the collective agreement includes Short Term Disability (Article 17.2.1¹) and Long Term Disability (Article 17.2.2) for Full time Employees and sick-leave for Contract Employees (Article 17.2.4).

Entitlement

Short Term Disability of Full-time Employees – 75 working days of coverage per year. First 35 working days is at 100% salary, with remaining 40 working days at 90% salary. Entitlement is reinstated immediately in the case of the same or related illness providing thirty calendar days have elapsed since the Employee's return to work. In the case of a new illness, the seventy-five working days will be reinstated immediately.

Long Term Disability of Full-time Employees – Article 17.2.2 states that an Employee may be eligible for Long Term Disability after the maximum allowable short term disability leave. The specific details are contained on the MRU's [Human Resources page](#). As a quick summary, eligible employees receive 60 percent of their salary on the first \$2750 of their remuneration, 47.5 percent of next \$4,750 and 42.5 percent of the remainder of monthly salary. Disability coverage ending at age 65.

Sick-leave for Contract Employees – Contract Employees are entitled to a leave with full salary during illness, to a maximum of 4 SICH for every 16 SICH that they have been contracted to teach.

When accessing a medical leave, the Association's and the Employer's focus is the health and well-being of the Employee. In operationalizing this, the Association has observed the Employer requests that an Employee who will be absent for a period of five or more consecutive working days or for chronic/persistent illnesses provide medical documentation to the Ability Management Consultant (Heidi Peterson) in HR. This request aligns with Article 17.2.3 and, in rare cases, with Article 17.2.6.

Employees on a medical leave will commonly be asked to discontinue all work-related duties while of medical leave and/or until they have received a medical note allowing them to continue work related duties. In cases where teaching duties are affected, the Employer often requests Employee to inform the Chair/Dean of their absence and the reason (i.e. that the Employee is accessing a medical leave) so that they Chair/Dean can make arrangements to have the teaching duties covered. In certain circumstances this notification can be provided by Heidi Peterson.

¹ On October 18, 2019 an MOU regarding the University Benefits Package was signed between the Board and the Association that modified Article 17.2.1, these changes are not reflected within the Collective Agreement (July 1, 2018 to June 30, 2020), but a copy of the MOU can be found here: <https://mrfa.net/wp-content/uploads/2020/09/Memorandum-of-Understanding-Benefits-MoU-Extension-to-2021.pdf>

For Chairs

If/when an Employee brings forward information that relates to a medical condition or leave, a Chairs' first responsibility is to ensure that the Employees has been connected with Human Resources Office's Ability Management Consultant, [Heidi Peterson](#). If possible, to let the Employee know that the MRFA is available to assist as they deem necessary. Once these connections have been made, a Chair should follow the directions of HR and the Dean, asking questions of the Association as needed. Maintaining confidentiality of the Employee's information is essential.

Additionally, if the information Chairs receive is related to COVID-19, the University has published Rapid Response Instructions that should be consulted [here](#).

Returning to Work

When an Employee has concluded their medical leave and their medical team has provided clearance to return to work, a *Return to Work* meeting is often scheduled between the Employee, their Chair(s), their Dean(s), the HR Ability Management Consultant (Heidi Peterson), and the Association. It is not uncommon of other Human Resource employees to attend these meetings.

During a return to work meeting HR shares with the group the Employee's restrictions and limitations (if any exist) and facilitates a conversation regarding what the Employee's workload will look like taking into account the restrictions and limitations, the calendar date of the Employee's return, and the department's need.

The Employee and the Chair each have the opportunity to propose options regarding possible workloads during the meeting. Depending on the Dean, they may also offer options or may provide parameters by which the workload must conform. Although encouraged, there is no obligation that the Chair and the Employee make a completed work plan during the meeting; additional meetings can be scheduled as needed.

Prior to a Return to Work meeting, the Association strongly encourages Employees to meet with the Association so that a pre-discussion can take place in order to address any unique aspects to the Employee's situation and answer any questions.

For Chairs

During the meeting, the Association's representative will focus on the Employee returning to work, as they are the focus of the meeting. However, you are allowed to ask the Association and its representative questions before, during, and after the meeting. Keep in mind the Association cannot disclose personal information about a member to another member.

Within the Return to Work and Accommodation meetings, Chairs are tasked with providing local knowledge of the Academic Unit. Specifically, you will be asked to note how restrictions/limitations/accommodations might unfold within the Academic Unit and bringing forward available teaching/service opportunities.

Accommodation

Similar to Return to Work meetings, differing in that an Employee may not have been away from the workplace. The meeting is often scheduled between the Employee, their Chair(s), their Dean(s), the Ability Management Consultant (Heidi Peterson), and the Association. It is not uncommon of other Human Resource employees to attend these meetings.

During this meeting HR shares with the group the Employee's restrictions and limitations (if any exist) and, if available, the suggested accommodations from the Employee's medical practitioner. The Employee, the Chair, and the Dean are then invited to comment how they envision implementing the accommodation within the workplace.

Although encouraged, there is no obligation that an agreement be reached during the meeting; additional meetings can be scheduled as needed. Additionally, depending on the nature of the accommodation, it is not uncommon that follow up meetings are scheduled so receive updated medical information and/or evaluate the effectiveness of the accommodation.

Accommodations can include the mode (in-person or remote delivery) of the course. Should an Employee be able to teach a course, but not in the mode that the University has listed due to a medical reason, there is room for a discussion regarding accommodating an alternative mode of delivery. Please contact the Association for continued discussion regarding this.

For Chairs

The Employer (represented by the Dean) has an obligation to accommodate, to the point of undue hardship, an Employee. During accommodation discussions, Chairs are not expected to approve or deny a possible accommodation, but rather they are expected to provide the Employer (the Dean) with information about how possible accommodations would impact the Academic Unit. With this information, the Dean (with assistance from the folks in Human Resources) are tasked with determining if an accommodation is viable or amounts to an undue hardship. Depending on the case, this can be done in the moment, might have hard parameters determined prior to the meeting, or might require a subsequent meeting for the Dean to meet with members of Human Resources.

For Contract Employees

With the exception of the length of a medical leave, all Employee's have the same access to accommodation. Further, an Employee cannot experience retaliation for requesting an accommodation. In essence, an Employee cannot be denied future employment because they have in the past or present requested an accommodation or medical leave. If you think that this is occurring to yourself or to a colleague, please contact the Association for assistance and the scheduling of a confidential meeting.

As always, the collective agreement touches upon a variety of aspects of Chairs' and Academic Directors' work, many that have not been addressed within this advisory. Despite these topics' absence, the Association is committed to providing resources and support to Chairs. To this end, the MRFA will be unveiling a [Chairs' Resource](#) section of the MRFA webpage with resources. With that in mind, the Association would like to request that as questions develop, and as absent resources are identified, please contact the [MRFA Office](#) so that we can address the questions and/or develop the resources.