

Accommodation Policy

Contact: Licensing Department

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1.0 PURPOSE

To outline the Insurance Council of British Columbia's (Insurance Council) policy with respect to requests for accommodation. Under the BC Human Rights Code, the Insurance Council has a duty to accommodate a limitation which is associated with or caused by a Protected Characteristic. The Insurance Council will also consider other requests for accommodation, as stated in this policy.

2.0 SCOPE

This policy applies to Accommodation Applicants.

3.0 DEFINITIONS

Accommodation Applicant: an individual that is making a request for accommodation to the Insurance Council. This includes licence applicants, examinees, licensees, former licensees, complainants and other members of the public who are seeking an approval, determination, decision or order from the Insurance Council.

Protected Characteristic: as stated in section 8 of the BC Human Rights Code, these include Indigenous identity, race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age.

4.0 POLICY

4.1 General

- In the exercise of its regulatory function, the Insurance Council will accommodate, to the point of undue hardship to the Insurance Council, a properly identified and documented limitation of an Accommodation Applicant which is associated with or caused by a Protected Characteristic under the BC Human Rights Code.
- In addition, the Insurance Council may also accommodate:

- A properly identified and documented medical condition of an Accommodation Applicant, which includes illness and other temporary and treatable conditions such as broken bones; and
- Other circumstances that are not related to an Accommodation Applicant's Protected Characteristic or medical condition, including a family member's medical condition or other extenuating circumstances impacting the Accommodation Applicant.
- Accommodation does not mean that an Accommodation Applicant will be excused from having to meet Insurance Council requirements, or that the requirements will be lowered.
 - Accommodation means that the Insurance Council will seek to provide reasonable options to remove any barriers to an Accommodation Applicant that is trying to meet an Insurance Council requirement.
- If:
 - The Insurance Council cannot accommodate a request without incurring undue hardship;
 - An Accommodation Applicant is offered and refuses an accommodation which the Insurance Council considers reasonable, even if it is not the Accommodation Applicant's preferred accommodation; or
 - An Accommodation Applicant refuses to cooperate with the Insurance Council during the accommodation process,the Accommodation Applicant may lose the right to receive any accommodation.

4.2 Undue hardship and other factors to be considered

- Factors that may be considered by the Insurance Council when assessing whether an accommodation would result in undue hardship to the Insurance Council include:
 - The cost to the Insurance Council of providing the accommodation;
 - Adverse impacts on Insurance Council operations; or
 - Adverse impacts on third parties, including members of the public, other licensees or, in the context of writing an exam, other examinees or third parties involved in administering and overseeing the examination process.
- In addition to the above, the Insurance Council may also consider other factors when assessing accommodation requests that are not related to a Protected Characteristic, such as whether the accommodation could lead to a conflict of interest or appearance of bias.

4.3 Requests for accommodation

- Accommodation Applicants must make a request for accommodation as soon as possible using the Accommodation Request Form.
 - Accommodation Applicants may contact the Insurance Council if they require assistance filling out the form, or if they would like to have an advocate or representative assist them with the general process of requesting accommodation.
 - Upon request, the Insurance Council will also consider alternative methods of receiving a request for accommodation.
- Requests will be acknowledged as received within 5 business days.
- In addition to the required information set out in sections 4.3.1 and 4.3.2, the Insurance Council may request additional supporting documents from the Accommodation Applicant prior to making a decision.
 - This may include asking an Accommodation Applicant, at their cost, to provide the Insurance Council with information from a third party. The Insurance Council will only request information that would be reasonably required to assess a request accurately and fairly.
- Accommodation Applicants may include suggestions about ways in which the Insurance Council could accommodate, but any suggestions will not be binding on the Insurance Council.

4.3.1 Required information – Protected Characteristics and medical conditions of the Accommodation Applicant

- Requests for accommodation that are based on a Protected Characteristic must identify:
 - The Protected Characteristic of the Accommodation Applicant which gives rise to the limitation which the Accommodation Applicant wants the Insurance Council to accommodate; and
 - The limitation which is associated with or caused by the Protected Characteristic identified by the Accommodation Applicant.
- Requests for accommodation that are based on an Accommodation Applicant's medical condition must identify what that condition is.
- Requests for accommodation must include sufficient reliable and satisfactory supporting documentation to permit the Insurance Council to conduct a thorough evaluation.

- The Insurance Council may, at its discretion, grant an exemption from the requirement to provide supporting documentation.
 - In considering whether to grant an exemption, the Insurance Council will consider factors including whether the supporting documentation exists in the context of the accommodation requested, and the reasons why the Accommodation Applicant cannot provide the supporting documentation.

4.3.2 Required information – other circumstances

- Requests for accommodation that are due to other circumstances not related to an Accommodation Applicant's Protected Characteristic or medical condition must identify what those circumstances are. These may include a family member's medical condition or other extenuating circumstances impacting the Accommodation Applicant.
- The Insurance Council will determine, on a case-by-case basis, what supporting documentation will be required for these types of requests, and may require similar supporting documentation as is required for other accommodations, as outlined in section 4.3.1.

4.3.3 Confidentiality

- The Insurance Council will maintain accommodation-related information in strict confidence and will not use the information for a purpose other than evaluating the accommodation request to which the information relates, or as required by law.

4.4 Assessment of a request for accommodation

- All requests for accommodation will be assessed by the relevant Insurance Council department on a case-by-case basis.
 - For example, requests for accommodation related to licensing examinations will be assessed by the Licensing department, while requests for accommodation related to an audit will be assessed by the Practice & Quality Assurance department.
 - In making an assessment, the relevant department may consult with other departments and/or the CEO.
 - In most cases, an individual in a management position or higher will be responsible for assessing the request and making a final decision.

- All parties involved in assessing a request for accommodation will be impartial. Insurance Council staff that have a potential conflict of interest with respect to a specific request will not be involved in the assessment of that request.
- Potential accommodations include, but are not limited to:
 - Providing extensions to deadlines and/or deferrals;
 - Accepting requested information in forms other than the form originally requested;
 - Allowing for the use of interpreters; and
 - Allowing for the use of advocates and/or legal representation to assist the Accommodation Applicant in their communications with the Insurance Council.
- For requests related to writing the LLQP exam, potential accommodations include, but are not limited to:
 - Modifying the testing environment – for example, providing a wheelchair-friendly testing room;
 - Modifying the exam format – for example, allowing for the use of assistive devices/applications to read questions aloud to examinees; and
 - Modifying scheduling/timing – for example, allowing for extended testing time and/or breaks.
- If more than one possible accommodation is identified, there will be a presumption in favour of implementing the accommodation which has the lowest adverse impact on the public interest, the rules and requirements administered by the Insurance Council and other generally applicable regulatory requirements.
- The Insurance Council will provide a written decision for each request.
 - Each written decision will include any key considerations, analysis and conclusions related to the request.

4.5 Communication with the Accommodation Applicant

- Throughout the accommodation request process, the Insurance Council will maintain respectful communication with the Accommodation Applicant.
- Once all of the relevant information is received by the Insurance Council, including any additional supporting documents that are requested, the Insurance Council will make a reasonable effort to provide a decision to the Accommodation Applicant within 30 calendar days.
 - If it is anticipated that more than 30 calendar days will be needed, the Insurance Council will communicate this to the Accommodation Applicant as

soon as possible and will provide a written update every 30 calendar days thereafter, or as otherwise needed.

- If the Insurance Council can accommodate, the response will clearly state the options for accommodation.
- If the Insurance Council cannot accommodate, the response will include the reasons why, as well as information on how to request a review of the decision.

4.6 Review of decisions

- An Accommodation Applicant may request a review of a decision, or the manner in which the request for accommodation was addressed, by submitting a written request to the Insurance Council within 14 calendar days of receiving the decision.
- For licensing and examination matters, reviews will be conducted by the Licensing Committee.
- For other matters, reviews will be conducted by a manager that was not involved in the original decision.
- Each review:
 - Must include a review of the original request for accommodation and the reason(s) why it was decided that the request could not be accommodated;
 - May result in further information being requested from the Accommodation Applicant; and
 - May result in:
 - The requested accommodation being provided;
 - The request being referred back to the relevant department for reconsideration by a manager that was not involved in the original decision; or
 - The original decision being upheld.
- Once a matter is reviewed, the decision will be considered final.

4.7 Changes to existing accommodations

- If a previously granted accommodation needs to be reviewed or revised, the Insurance Council will consider whether revising that accommodation would cause undue hardship to the Insurance Council, considering the factors referenced in section 4.2.

5.0 RESOURCES

[Accommodation Request Form](#)
[BC Human Rights Code](#)