

Re: return to work

Mark Giesbrecht

Tue 8/1/2023 4:30 PM

To: Richard Mann <mannr@uwaterloo.ca>

Cc: Karen Parkinson <kparkinson@uwaterloo.ca>; CS Director <cs-direc@uwaterloo.ca>; Chelsey Heystee <cheystee@uwaterloo.ca>; Michelle Hollis <mhollis@uwaterloo.ca>

Dear Professor Mann,

I am glad that we are able to clarify the expectations on both sides as it relates to the meeting purpose. However, I would like to confirm with you that I will not attend a meeting with you and Karen Parkinson regarding the details of underlying medical conditions. The University has a process that applies to the process that should be followed with respect to employee illness or injury. These processes are outlined in the [Disability Management Guide for employees](#).

There is a section on Page 6 of the Guide that describes the process:

WHAT HAPPENS WHEN I AM READY TO RETURN TO WORK?

The University is committed to supporting employees' early and safe return to university work. If you do not require accommodation and a return to work date has been provided, normally no further documentation is required. If you do require accommodation, the

following steps apply when you are ready to return to work:

- Employee provides the Disability Management Team with documentation from their treatment provider regarding their Return to Work recommendations*
- Disability Management Team reviews the recommendations with the Manager to ensure the recommendations can be met and a Return to work plan is created*
- The employee, Manager and Disability Management Team may hold a return to work meeting to ensure agreement with the Return to Work plan*

While you are not asked to discuss your specific medical condition or treatment, the Disability Management Team can help you and your manager understand any workplace barriers that may be affecting your ability to return to work and your ability to perform the tasks of your role. These facilitated meetings provide a framework for discussion and agreement between you and your manager as to the next steps necessary to ensure you have a safe, healthy and sustainable return to work.

There is also a section on Page 14 of the Guide that describes the responsibilities of the Manager:

MANAGER: YOUR RESPONSIBILITIES

Keep in mind that, as a manager, you are not entitled to your employee's medical information and it is important that your initial reaction to the absence be positive so that your employee feels supported. It is your role to work with the Disability Management Team to ensure a safe, healthy and sustainable return to work plan which may include workplace accommodations.

- Ensure your employees are aware of your department's sick leave procedures (i.e. phone or email to report absence)*

- *Provide your employee with the required Sick Leave/Return to Work Form for absence greater than five working days and advise your employee to forward the completed document to the Occupational Health Nurse (faculty) or Disability Benefits Specialist (staff). See Sick Leave Process on page 5.*
- *Inform the Disability Benefits Specialist about your employee's absence and any related work performance concerns*
- *Work with the Disability Management Team to co-ordinate and to ensure a safe, healthy and sustainable return to work plan which may include workplace accommodations*
- *Consult with your HR Partner on any work related/performance concern*

There is no process that provides for, or requires, the employee to share medical documentation or specific health concerns with the manager. The only discussion that takes place with the manager is the one to understand workplace barriers that may be affecting your ability to return to work. There is solid rationale for the processes defined. The purpose of the meeting would be to ensure that we have a clear understanding of any restrictions, limitations and barriers associated with your ability to return as a full-time employee. The University requires your co-operation and willingness to participate in the process, including providing the required sick leave documentation and in the Return to Work plan.

As you have mentioned the "Associate Provost, Human Resources", I have asked that the Chief Human Resources Officer & Senior Director, Human Resources, Michelle Hollis, be present at this meeting instead of Chelsey Heystee. You will separately be asked for your availability for this meeting.

If you wish to have a discussion about underlying medical conditions, that is something that you can schedule separately with Karen Parkinson with Ed Vrscay present if you choose. Respectfully, I will not meet with you and Karen Parkinson where the intention is to discuss medical details and diagnosis, and will follow the prescribed process outlined above.

I must reiterate that your (updated) accommodation plan from June 30, 2023 is in effect upon your return. This includes the teaching assignment stated there of two sections of CS251 in Fall 2023. Failure to fully teach your assigned courses while a full-time employee will be handled under the Memorandum of Agreement and the formal processes described therein.

Yours truly,

Mark Giesbrecht

Dr. Mark Giesbrecht
Dean, Faculty of Mathematics. Professor, David R. Cheriton School of Computer Science
University of Waterloo, Canada. Email: mwg@uwaterloo.ca URL: <https://cs.uwaterloo.ca/~mwg>

On Jul 28, 2023, at 11:25 AM, Richard Mann <mannr@uwaterloo.ca> wrote:

July 28, 2023

Dear Dean Giesbrecht:

Thank you very much for your e-mail of July 27, 2023. I acknowledge, with appreciation, your willingness to accommodate my request to have more than one meeting to resolve the matter of my return to work.

Unfortunately, there are problems with your suggestions.

Firstly, despite my many requests to have a meeting with you and someone from Occupational Health to discuss ONLY health-related matters, i.e., nothing to do with work accommodations, you have proposed that the first meeting be attended by my HR representative, Chelsey Heystee. With all due respect to Ms. Heystee, I must request that she not be present at the first meeting. You wrote that "We will not be discussing any details of any underlying medical conditions, as I have no expertise in evaluating it, and look to the separate assessment of Karen Parkinson's office in this regard."

In other words, you are using a "no expertise" excuse to deny me the right to have such a meeting. Yes, Dean Giesbrecht, it will be mostly Ms. Parkinson and myself who will be discussing my health issues, but it is extremely important that you be present to hear these discussions. You will not be required to evaluate anything, but simply to listen. I claim that it is absolutely essential that you be made aware of the immense psychological stress which I have experienced, and continue to experience, not only by the various administrative actions of yourself and others (i.e., my Director and the Provost) but also by the very process that you and others claim to provide a resolution! And I claim that it is absolutely essential that you hear this from me directly, in the presence of Ms. Parkinson. Otherwise, the entire procedure becomes what might be viewed as a farce - Ms. Parkinson makes some decisions, these decisions are communicated to you, and then you, in the presence of Ms. Parkinson and a third party, i.e., my HR representative, basically dictate to me what will be done, which includes what I should do. I demand that we break out of such a 19th century-type procedure, which treats me as more of a patient in an asylum than a human being and member of the UW community (note that I did not write "employee"). Let us please have a procedure which is more "holistic" than "segregated". I am seriously considering writing to the Associate Provost, Human Resources to propose such a "breakout".

If you wish, we can have another meeting with yourself, Ms. Parkinson and Ms. Heystee (and Ed Vrscay) to discuss actual employment issues. But I must state categorically that our first meeting must be only with yourself, Ms. Parkinson and myself, along with Ed Vrscay as my support person. For the reasons specified in this and my previous letters, I cannot agree to attend a meeting with anyone else present.

With regard to your proposed second meeting between you, myself and my School Director, I notice that Ed Vrscay's name was omitted. I hope that this was an oversight. I must insist that Ed accompany me, purely for the purpose of support, in any future meetings with you and others.

Finally, I am hoping that the more immediate matter of my Fall 2023 teaching situation can be settled as soon as possible.

Yours sincerely

Richard Mann

From: Mark Giesbrecht <mwg@uwaterloo.ca>
Sent: Thursday, July 27, 2023 4:53 PM
To: Richard Mann
Cc: Karen Parkinson; Chelsey Heystee; CS Director
Subject: Re: return to work

Dear Professor Mann

I have carefully considered your request as it regards the upcoming meeting. We can, as you suggest, divide this into two meetings:

1. Meeting to discuss the restrictions, limitations and barriers associated with your return to work; and
2. A return to work meeting with the School Director to review the details associated with the Accommodation Plan dated June 30, 2023

The first meeting would include the two of us, plus Ed Vrscay, Karen Parkinson, and Chelsey Heystee from HR. The purpose of the meeting would be to ensure that we have a clear understanding of any restrictions, limitations and barriers associated with your ability to return as a full-time employee. We can ensure that Occupational Health has received the most up to date medical information from your health care provider. We will not be discussing any details of any underlying medical conditions, as I have no expertise in evaluating it, and look to the separate assessment of Karen Parkinson's office in this regard. Our main purpose in the meeting is to ensure that the restrictions, limitations and barriers are clearly understood and are supported by medical documentation. Our HR partner will be present to advise me of any factors that relate to employment law. As you have suggested, it is not necessary for the School Director to be present at this meeting. This meeting will be scheduled as soon as possible by

Christina, noting that Karen Parkinson has been on holidays over recent weeks.

The second meeting will be a meeting between you, your School Director, and me if necessary. The purpose will be to review the performance expectations and accommodation measures outlined in the Accommodation Plan dated June 30, and for the two of you to agree upon a communication strategy as it relates to future issues that may arise. That meeting will be scheduled by the School as soon as possible following the first meeting.

Finally, and as noted in my previous email, the updated Accommodation Plan dated June 30, 2023 is/will be in effect from your return to work, including the assigned teaching in Fall 2023.

Yours truly,

Mark Giesbrecht

Dr. Mark Giesbrecht

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On Jul 19, 2023, at 1:30 AM, Richard Mann <mannr@uwaterloo.ca> wrote:

Dear Dean Giesbrecht:

Thank you very much for your e-mail of Monday, July 17 in which you expressed your willingness and ability to meet with me during the week of August 7. I appreciate your efforts greatly and look forward to working with you and others.

In response to your concerns and comments about Ed Vrscay being present at the meeting(s), let it be understood that in any of these meetings, the direct communication will be with me. Ed will be present as a "single support person" only, and not as a counsel or agent.

That being said, Dean Giesbrecht, I must still insist on having a first meeting ONLY with you (Dean) and Karen Parkinson for the purpose of discussing HEALTH-RELATED matters. In such a meeting, I intend to make reference to the medical documents provided by my healthcare providers (MD and clinical psychologist) and to discuss these matters with you and Ms. Parkinson. I am also hoping that we can have a very frank and open discussion about these matters. I trust that you will agree that this information is highly confidential and cannot, in any way, be shared with others, e.g., people from HR.

Now you might reply that it can be easily arranged that people who are not privy to this medical information be absent for this part of the meeting, and then join us later when these matters have been discussed. I find this unacceptable, Dean Giesbrecht. It is as if my mental health is allocated one spot in a list of agenda items - once it is discussed, we move on to the next item, i.e., workplace accommodation. When I think of such a situation, which implies pressure to "get things over with" in order to move to the next "item", I immediately become stressed and agitated. How do you think I would feel and perform during the meeting? I would certainly find the idea of having the "others" not present and waiting to join the meeting as threatening to my mental health. As such, I cannot be expected to participate in such a "hybrid" meeting. If you would like me to provide a letter to this effect from my medical doctor, please let me know.

That being said, Dean Giesbrecht, I understand the need for a SECOND meeting in which you and others, e.g., my unit head and HR will be present for the purpose of coming up with a workplace accommodation plan. I do not think, however, that such a second meeting should be rushed, i.e., that it take place on the day after our first meeting. I anticipate that some time for reflection and constructive feedback will be necessary after our first meeting. Once again, if you would like a letter from my medical doctor, please let me know.

One final point - I notice that the meeting times being proposed by Christina McDougall are only 30 minutes in length. I do not think that this is sufficient time for our first meeting dedicated to my health issues.

Yours sincerely

Richard Mann