

<b>Developer:</b> DPC	<b>Division:</b> Corporate Services	<b>Category:</b> AODA	<b>Policy Number:</b> C-AO-03
<b>Effective Date:</b> Jun 2021	<b>Subject Name:</b> Accommodation for Employees, Students and Volunteers with Disabilities		<b>Approval:</b> SLT
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## INTRODUCTION

The Centre is actively committed to the principles of equality, diversity and inclusion in the workplace, including the establishment of employment practices that ensure that there are no discriminatory barriers that interfere unreasonably with employment opportunities. The Ontario Human Rights Code defines disability in Section 10(1). The Code requires that persons whose disabilities preclude them from fulfilling the essential duties or requirements of their jobs, or who cannot meet bona fide and reasonable occupational requirements be accommodated with respect to employment unless the accommodation causes the Centre undue hardship. Accommodation in employment enables the employee to perform the duties and fulfill the requirements of the job and to participate in training and career development opportunities at the Centre. It means making changes to the work environment to allow for the use of the skills of an employee with a disability in order that the essential requirements of the job may be met. This policy describes how the Centre will meet its responsibilities with regard to reasonable accommodation. However, it is recognized that for any accommodation to be successful the person with the disability and, where the employee is covered by a collective agreement, the employee's union, also have a responsibility to be cooperative in finding an appropriate accommodation.

The following statement, therefore, takes into account the requirement of the Ontario Human Rights Code, 1990, which calls for the reasonable accommodation of employees and applicants for employment with a disability.

## PURPOSE

The purpose of this policy is to provide a clear statement of the Centre's obligations and responsibilities, required by the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act (AODA), and any other relevant legislation. Senior management, supervisors, human resources, employees and the union all have obligations and responsibilities in the accommodation process. All stakeholders must work collaboratively to achieve the successful implementation of this Policy.

## SCOPE

The policy applies to all employees, students, volunteers and applicants for employment who have a disability requiring accommodation; and to the employees returning to work from illness or injury.

## DEFINITION

### 1. Accommodation:

Accommodation is an adaptation or adjustment made to enable a person with a disability to perform the essential duties or requirements of the position. The requirement, qualification or factor must be reasonable and bona-fide in the circumstances. Accommodation may include, but is not limited to:

- a. Workstation and/or minor office modifications
- b. Technical aids and devices and adaptive technologies
- c. Human support services such as sign language interpreters, readers, etc.
- d. Flexible or alternative work schedules
- e. Job redesign
- f. Reassignments and alternative jobs
- g. Temporary alternative work
- h. Temporary rehabilitative assignments (return to work)
- i. Temporary relocation from an area where environmental sensitivity resulting in illness that is medically supported prevents performance of essential duties.

### 2. Undue Hardship:

The Ontario Human Rights Code prescribes three considerations in assessing whether an accommodation could cause undue hardship: Cost, Outside Sources of Funding and Health and Safety Considerations. Information on the concept of undue hardship can be accessed on the Ontario Human Rights Commission website at: <http://www.ohrc.on.ca/english/publications/disability-policy-fact4.shtml>.

### 3. Essential requirements:

The core functions of a job, having regard to productivity (both in terms of the amount of work product and the timeliness of the work product) and the importance of any function.

### 4. Disability (as defined in the Ontario Human Rights Code Section 10 (1))

- a. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b. a condition of mental impairment or a developmental disability,
- c. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d. a mental disorder, or
- e. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997

## **POLICY AND PROCEDURE**

1. Accommodations assist in the inclusion of persons with disabilities into employment activities in compliance with all applicable legislation, collective agreement provisions, where applicable, and relevant the Centre policies.
2. Individuals are to be accommodated in ways which respect their dignity.
3. Accommodation is to be made only for those disability related needs disclosed by the employee, student, volunteer or applicant which impact on employment.
4. Accommodation needs are to be addressed in a way that is consistent with responsible financial management and operational requirements, and does not pose an undue hardship on the Centre.
5. Accommodation requirements are determined on person-by-person basis by ensuring that each employee with a disability is considered, assessed and accommodated individually, while maintaining a process that is consistent with the principles of confidentiality, to the degree possible, and shared responsibility.
6. The accommodation process requires shared accountability and responsibility based on the involvement and co-operation of the employee who requires the accommodation, the supervisor, senior management, human resources and, by the employee's union, where applicable.
7. The Centre will have in place the Documented Individual Accommodation Plans for all employees, students and volunteers with disabilities. The Centre will only involve relevant stakeholders in development of the individual accommodation plan.
8. The Centre is committed to achieving a culture and work environment that is supportive of employees with disabilities. In accordance with these principles, reasonable accommodation will be made on a case by case basis to meet the specific needs of employees, students, volunteers and applicants, and systemically to make the Centre as a whole accessible to employees and applicants with disabilities.
9. The purpose of reasonable accommodation is to enable a person to perform at least the essential requirements of the job as defined in the job posting and/or job description relating to that job. The Centre is not required to create a job or so significantly alter a job as to have a different job in order to accommodate an applicant or an employee.
10. The need to consult with appropriate medical and/or disability specialists in order to validate medical and/or disability information, determine individual accommodation requirements and consult on specific accommodation issues is recognized in this policy.
- 11. Confidentiality of Information:** Personal information concerning an employee's disability cannot be released without the prior written consent of the individual and must be managed in a manner that is consistent with Freedom of Information Guidelines and Personal Information Protection

Guidelines, where appropriate. In order to facilitate the accommodation process, employees/applicants will not unreasonably withhold such information. Where the accommodation process requires the release of confidential information to a third party (such as an external resource group), the third party, and any person or department delegated by that third party, will be required to ensure that confidentiality is protected, that the information obtained is kept in a secure location, and used solely for the purpose that the release was required.

## **GUIDELINES**

### **1. Roles and Responsibilities within the Centre for the accommodation process:**

All Centre staff is responsible for providing visible support and commitment to this policy and its objectives and principles. Supervisors, managers, and senior leadership recognize that they bear special responsibility in ensuring that their actions are in compliance with the policy and the legislated requirements of the Ontario Human Rights Code and the Workplace Safety and Insurance Act.

### **2. Supervisors/Managers:**

A Supervisor/Manager is interpreted under this policy as an individual who has full supervisory responsibility for an employee, or is responsible for making hiring decisions.

- a. When a Supervisor/Manager is approached with a request for accommodation, they have the responsibility to respond to the request within ten working days by proceeding in one of the following directions:
  - i. Providing interim accommodation based on information presented by the individual, or
  - ii. Consult the Director of People and Culture immediately for support in addressing the accommodation request
  - iii. Formally respond to the request within ten working days of receipt of request for accommodation.
- b. Failure by a supervisor to respond to an accommodation issue within 10 working days will provide employee recourse to the higher management level. There must be a general commitment by all managers and supervisors to addressing accommodation issues as expediently as possible.
- c. Follow the Written Accommodation Process included as Attachment 1 in this document.
- d. Supervisors are also accountable for:
  - i. Ensuring the policy is consistently and fairly applied in their area of responsibility;
  - ii. Accepting the employee's request for accommodation in good faith, unless there are legitimate reasons for acting otherwise;
  - iii. Obtaining expert opinion or advice in conjunction with Human Resources, where needed;
  - iv. Keeping a record of the accommodation request and action taken, and ensuring that appropriate confidentiality is maintained;
  - v. Working in partnership with the individual, and any internal or external resources that are utilized, to identify and implement accommodation requirements;
  - vi. Providing accommodation to the extent it does not cause undue hardship;

- vii. Implementing and overseeing accommodations within their work unit, facilitating the integration of the employee being accommodated, and ensuring a supportive work environment.

### 3. Person with a Disability

- a. Employees, students and volunteers requesting accommodation are responsible for:
  - i. Advising the supervisor of the need for accommodation and making their needs known to the best of his or her ability, preferably in writing, in order that they may act upon the accommodation request;
  - ii. Answering questions or providing information regarding relevant restrictions or limitations, including information from health care providers, where appropriate, and as needed;
  - iii. Participating in discussions regarding possible accommodation solutions, and co-operating with any experts whose assistance is required to manage the accommodation process;
  - iv. Working with the supervisor to ensure that performance and job standards are feasible and appropriate based on the disability and the bona-fide requirements of the position;
  - v. Complying with the accommodation plan;
  - vi. Advising manager immediately of any change in circumstance that affects the accommodation plan.
- b. Job applicants who apply for positions at the Centre are eligible for accommodation under this process. Job applicants will be asked by the hiring manager or Human Resources of any accommodations that may be required in the selection process. The Centre is committed to ensuring that job applicants are only asked to respond to questions during the selection process that relate to their skills, abilities and qualifications for the position.

### 4. Human Resources

Human Resources is responsible for:

- a. Ensuring the policy is interpreted and applied to promote the Centre's interest in supporting a safe and productive work environment for all employees;
- b. Maintaining confidential information as required under this policy and ensuring it is managed in a manner that is consistent with Freedom of Information Guidelines and Personal Information Protection Guidelines, where appropriate.
- c. Providing support to employees and managers on accommodation issues;
- d. Ensuring that the needs of persons with disabilities are addressed in the recruitment and selection process;
- e. Ensuring adherence to all legislative and collective agreement obligations.

### 5. Senior Management

- a. The Director of People and Culture assumes overall accountability for the interpretation and application of this policy, including facilitating the resolutions of disputes concerning accommodation and ensuring that appropriate training and resources are available.
- b. Senior management and the Chief Executive Officer must ensure appropriate resources and services are available to carry out accommodation under this policy, and also have overall

accountability for the Centre accommodation policy and program, including ensuring the Centre is in compliance with all legislative requirements.

6. Unions:

Unions are expected to take an active role as partners in the accommodation process and share joint responsibility with the employer to promote accommodation.

## ADMINISTRATION

The Director of People and Culture will be responsible for the administration and communication of this policy. If you have any questions or concerns about this policy or its related procedures please contact:

**Director of People and Culture**  
**Abiona Centre**  
**1102 Broadview Avenue,**  
**Toronto, ON**  
**M4K 2S5**  
**Phone: 416-425-6348**  
**Fax number: 416-425-4056**  
**E-mail: [aoda@abionacentre.ca](mailto:aoda@abionacentre.ca)**

This policy and its related procedures will be reviewed as per the Centre's policies and procedures or as required in the event of legislative changes.

## RELATED POLICIES

C-AO-01 Accessibility Policy for Employees and Volunteers  
C-AO-02 Accessible Customer Service  
C AO-04 Multi-Year Accessibility Plan

## ACKNOWLEDGEMENT AND AGREEMENT

I, \_\_\_\_\_, acknowledge that I have read and understand the Accessibility Policy for Employees and Volunteers. I agree to adhere to this policy in whole. I understand that if I violate the rules set forth in this policy, I may face disciplinary actions, up to and including termination of employment.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_