

SUBJECT	Accommodation in Employment	NUMBER	CA.52.01.151
CATEGORY	Human Resources	EFFECTIVE	April 24, 2024
DIVISION	Administrative Services	PAGE(S)	1 of 6

POLICY

Wellington-Dufferin-Guelph Public Health (WDGPH) is committed to creating a workplace that is inclusive of all persons and treats all members of the workplace in an equitable manner.

In working toward this goal, WDGPH will strive to provide support and facilitate the accommodation process of employees as per the Ontario [Human Rights Code](#) so that all may share the same level of access to opportunities, participate in the full range of activities that WDGPH offers, and achieve their full potential.

As an organization that values individual differences, respects individual needs, and supports accessibility, the goal of WDGPH is to establish and maintain an inclusive workplace and to provide workplace accommodation as required under the Ontario *Human Rights Code*, the *Integrated Accessibility Standards*, and the [Accessibility for Ontarians with Disabilities Act \(AODA\)](#). WDGPH recognizes its duty to accommodate our employees up to the point of undue hardship. Undue hardship means that an accommodation must be provided unless there would be a very serious hardship for the employer. Generally, undue hardship refers to health, safety, and cost considerations of an accommodation solution. Other factors that contribute to undue hardship include substantial disruption of operations and changes to terms of employment set out in either a collective agreement or employment contract. Undue hardship may vary with individual circumstances.

GENERAL

WDGPH values the fundamental principles of the Ontario *Human Rights Code*, the *Integrated Accessibility Standards*, and the AODA which underlie this policy including:

- shared accountability and responsibility, including a partnership between the individual requiring accommodation, managers, and senior management of WDGPH
- respect for the dignity of the individual by ensuring that accommodation is provided in a manner that meets specific circumstances, while at the same time working to ensure general accessibility for all employees in terms of spatial and physical requirements
- understanding that accommodation plans will be developed at the request of an employee with a temporary or permanent disability
- understanding that if an immediate manager notices that an employee could be helped by an accommodation, the immediate manager may meet with the employee and discuss whether the employee requires any accommodation
- inclusion by ensuring that the person to be accommodated is involved in the process and plan design
- respect for confidentiality, such that only relevant stakeholders are involved in the process of consultation and development of the accommodation plan
- assurance that, should an employee require an individualized accommodation plan, it will include (if needed) an individual emergency response (evacuation) plan
- development of a return-to-work accommodation plan meeting the employee's accommodation needs and the Agency's essential job requirements

It is important for WDGPH employees to be aware that all employment accommodations at WDGPH are based on objective criteria. Requests are assessed on an individual basis for persons who make their needs known. All parties (front line employees, management, union representatives, etc.) involved in an accommodation process are expected to participate in good faith, to be reasonable and flexible in considering options that respect an individual's right to dignity and privacy.

The Agency is obligated to fully explore accommodation within an employee's own job. Accommodation outside of the employee's position (e.g. reassignment to a vacant position) may be considered; for example, when the employee cannot perform the essential duties of the position and accommodation in the current position would create undue hardship. However, this does not mean that a new job must be created for an employee, nor does the application of this policy constitute a guarantee of continued employment.

SCOPE

This policy applies to all employees currently employed and paid by WDGPH.

PROCEDURE

WDGPH is committed to providing equal access to all aspects of employment for all employees in compliance with the AODA and the Ontario *Human Rights Code*. WDGPH will ensure that individual accommodation plans are in place that take into account the accessibility needs of employees with disabilities. WDGPH is required to accommodate employees with disabilities up to the point of undue hardship, taking into consideration costs, sources of outside funding, and health and safety requirements.

When WDGPH is aware of the need for an accommodation and/or when necessary, we will work with employees with a disability to develop an individualized emergency response plan.

REQUIREMENT OVERVIEW

Legal Requirement	When required	What <u>generally</u> is used to assess need	If need exists	Why required
Individual Accommodation Plan	Medical need due to a disability	<ul style="list-style-type: none">Documentation from healthcare providerIndividual capacity assessment form (if required)	CA.30.01.146 <i>Individual Accommodation Plan Form</i>	<ul style="list-style-type: none">AODA requirementIntegrated Accessibility Standards requirement
Emergency Response (Evacuation) Plan	When known by the agency that a potential - need may exist	CA.30.01.143 <i>Emergency Response Worksheet – Identification of potential barriers</i>	CA.30.01.146 <i>Individual Accommodation Plan Form</i>	<ul style="list-style-type: none">AODA requirementIntegrated Accessibility Standards requirement
Return to Work (RTW) Plan	<ul style="list-style-type: none">No WSIB RTW plan.No short-term disability (STD) RTW planNo long-term disability RTW plan	<ul style="list-style-type: none">Documentation from healthcare providerIndividual capacity assessment form (if required)	CA.30.01.161 <i>Return to Work Plan Form</i>	<ul style="list-style-type: none">AODA requirementIntegrated Accessibility Standards requirement
Pre-Employment Accommodation (i.e. interviewing, testing, etc.)	<ul style="list-style-type: none">When known by the agency that a potential need may exist	<ul style="list-style-type: none">Documentation from healthcare provider	<ul style="list-style-type: none">Requirement(s) incorporated into recruiting and selection process(es).	<ul style="list-style-type: none">AODA requirementHuman Rights CodeIntegrated Accessibility Standards requirement
New Hire Accommodation	<ul style="list-style-type: none">Offer of employment	<ul style="list-style-type: none">Documentation from healthcare provider.	CA.30.01.146 <i>Individual Accommodation Plan Form</i>	<ul style="list-style-type: none">AODA requirementHuman Rights CodeIntegrated Accessibility Standards requirement

PROCESS:

Accommodation Process with an Employee and Short-Term Disability (STD), Long-Term Disability (LTD) and the Workplace Safety and Insurance Board (WSIB)

- WDGPH will work with employees and external providers or WSIB to develop appropriate return-to-work and/or accommodation plans.
- Where accommodations due to a workplace emergency may be required, the direct manager and employee will assess the emergency response accommodation requirements by completing the CA.30.01.143 *Emergency Response Worksheet – Identification of Potential Barriers*.
- Where accommodation is required as a result of the above assessment, the manager, in consultation with Human Resources (HR) and the employee, will develop an individual accommodation plan as outlined below.
- Individuals should also refer to the policy and procedure CA.52.01.115 *Short Term Disability Claims* for additional information about the STD and LTD process.

Accommodation Process with an Employee for an Emergency Response (Evacuation) Need

- Where accommodations due to a workplace emergency may be required as self-identified by the employee, the direct manager and employee will assess the emergency response accommodation requirements by the CA.30.01.143 *Emergency Response Worksheet – Identification of Potential Barriers*.
- If accommodation is required as a result of the above assessment, the manager, with support from HR, and the employee will develop an individual accommodation plan as outlined below.

Individual Accommodation Plan Development Process

Step 1: Recognize the need for accommodation.

The need for accommodation can be:

- requested by the employee through their manager or through HR
- identified by the employee's manager.

Step 2: Gather relevant information and assess needs.

The employee is an active participant in this step.

- WDGPH does not require details on the nature of the employee's disability to provide an accommodation; it needs to know only about the employee's functional abilities.
- The Agency will ask for a completed CA.30.01.147 *Functional Capacity Assessment Form* from the employee's healthcare provider.
 - In the event that the employee's healthcare provider charges a fee to complete the form, the employee is required to obtain a receipt with appropriate information for the employee to be reimbursed by the Agency.
 - In the event that the cost to complete this form exceeds \$50, the employee is required to contact HR before having the form completed.
- The employee and their manager, with the support of HR, evaluate potential options to find the most appropriate measure(s).
- An external expert selected by the Agency may be involved, at the Agency's expense.
- A unionized employee can request the participation of a representative from Ontario Nurses' Association Union (as appropriate) or, if there is a non-bargaining unit employee, they may request a co-worker as representative.

Step 3: Review and assess an employee's emergency response (evacuation) accommodation requirements.

The employee is an active participant in this step.

- The employee, with the involvement of their manager, complete the CA.30.01.143 *Emergency Response Worksheet – Identification of Potential Barriers* to identify potential needs.
- Based on the results of the form, there may be emergency response need(s) requiring accommodation.
- If accommodations due to a disability are required, this information will be recorded on the individual accommodation plan.
- With the employee's consent, additional information will be shared with individuals designated to assist them in an emergency.
- The employer shall review the Emergency Response Plan:
 - when the employee moves to a different location in organization
 - when the employee's overall accommodations needs or plans are reviewed
 - when the employer reviews its emergency response policies.

Step 4: Complete an individual accommodation plan.

Once the most appropriate accommodation has been identified after the needs have been identified, the accommodation details are written down in the CA.30.01.146 *Individual Accommodation Plan Form*, including:

- what special requirements the employee may have in an emergency response situation, if required
- accessible formats and communication support, if requested
- workplace emergency response information, if required
- any other accommodation that is to be provided.

The manager will provide a copy of the individual accommodation plan to the employee and to HR.

Step 5: Return to work plan process (non-WSIB, STD or LTD) for individuals returning to work.

- Once the needs have been assessed, a CA.30.01.161 *Return to Work Plan* may need to be completed if an employee is returning to work due to a disability and an accommodation is required (i.e. medically supported gradual return to full work hours, etc.). This ONLY needs to be completed if there is a need for accommodation and the individual is NOT being returned to work under a WSIB or STD/LTD formal return to work plan.
- Based on documented need, the employee, direct manager and HR will complete the *Return to Work Plan*.

Step 6: Implement, monitor, and review.

- The employee and their manager, with support from HR, monitor the accommodation to ensure that it has effectively resolved the challenge.
- Individual accommodation plans will be reviewed:
 - when updated medical information is provided to the Agency that may affect the individual's accommodation plan for individuals with a permanent disability
 - during the performance review cycle for other individuals for individuals who do not have a permanent disability and when updated medical information is provided to the agency that may affect the individual accommodation plan
 - if the employee's work location or position changes
 - if the nature of the employee's disability changes and this can be substantiated through updated medical information.
- If the accommodation is no longer appropriate, the employee and the manager, with support from HR, work together to gather relevant information and reassess the employee's needs for the employer to find the best accommodation measure (Step 2).
- The manager will provide a copy of any updated individual accommodation plan to the employee and to HR.

RESPONSIBILITY

Management will:

- accept requests for accommodation in good faith and monitor employees to determine if an accommodation may be helpful
- actively participate in the identification of suitable modified work, canvass various forms of possible accommodation and attempt to modify such work within the employee's functional abilities where appropriate
- develop appropriate plans, in consultation with HR and the medical needs of the employee
- actively participate in work reintegration meetings with employees and schedule regular follow-up meetings to review progress as required

Employees will:

- make accommodation needs known to their immediate manager and HR, preferably in writing, so that appropriate modified work and accommodations may be implemented, as medically required
- provide necessary medical documentation in a timely manner to support their accommodation requests and answer questions regarding relevant restrictions or limitations, including information from health care providers, where appropriate and as needed
- maintain regular contact with their immediate manager throughout the accommodation process
- actively participate in discussions for the identification of suitable modified work and attempt to perform such work in good faith within their functional abilities
- communicate any difficulties with the modified work, emergency response (evacuation plan), accommodation plan or return to work plan to their supervisor and HR
- meet agreed-upon performance and job standards once accommodation is provided
- work within the prescribed recommended capabilities and precautions

Human Resources will:

- provide support to manager in exploring alternative work arrangements in collaboration and consultation with employees
- liaise with ONA when necessary
- collaborate with the third-party providers to monitor the employee's return to work progress and ensure all legal obligations are met
- assist the supervisor in ensuring that the employee's modified or suitable alternate work remains within the employee's functional abilities as directed by the employee's health care provider to prevent further injury or injury to others

DEFINITIONS

- **Disability** – the term as defined in by the AODA, and the Ontario *Human Rights Code* refers to:
 - any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defects 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 coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair, or other remedial appliance or advice
 - a condition of mental impairment or a developmental disability
 - a learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
 - mental disorder

- an injury or disability for which benefits were claimed or received under the insurance plan established under the [*Workplace Safety and Insurance Act, 1997*](#)
- **Accommodation** – accommodation is understood as any temporary or permanent measure used to remove a barrier which prevents an otherwise qualified individual from performing or fulfilling the essential duties of a job. WDGPH will attempt to accommodate the employment needs of a job applicant and employees who are protected under the Ontario *Human Rights Code* up to the point of undue hardship.
- **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.
- **Barriers** – individuals can experience discrimination as a result of physical (building design), attitudinal (stereotypes or prejudices) or systemic barriers. Systemic barriers in the workplace are formal or informal policies, practices, or rules which, when applied in the same way to everyone, may have the effect of unfairly excluding or restricting the participation of some individuals, e.g., a work schedule that conflicts with religious observance days.
- **Legal Obligations and Limits** – employment accommodation is a legal obligation for all employers under the Ontario *Human Rights Code* and related jurisprudence; failure to accommodate on any of the Code's protected grounds may constitute discrimination and noncompliance with the Code.

REFERENCES AND RELATED FORMS, POLICIES AND PROCEDURES

- CA.30.01.143 *Emergency Response Worksheet – Identification of Potential Barriers*
- CA.30.01.146 *Individual Accommodation Plan Form*
- CA.30.01.147 *Functional Capacity Assessment Form*
- CA.30.01.161 *Return to Work Plan Form*
- CA.50.01.127 *Integrated Accessibility Standards Regulations*
- *Human Rights Code, R.S.O. 1990*
- *Ontario Regulation 191/11, Integrated Accessibility Standard*

CONTACT FOR INQUIRIES – CHRO/Corporate Director, Human Resources

APPROVED BY: Vice President, Human Resources and Corporate Services



REVISION DATES: Nov 1, 2015, Oct 31, 2016, Apr 24, 2024