

## Policy

<b>Type of Policy:</b> Human Resources		<b>Policy No.</b> 4.1.4
<b>Name of Policy</b> <ul style="list-style-type: none"> <li>Accommodating Disabilities</li> </ul>	<b>Procedures</b> <ul style="list-style-type: none"> <li>Recruitment Accommodations</li> <li>Employment Accommodations</li> <li>Legal Obligation and Limits</li> <li>Performance Management</li> <li>Return to Work Process</li> </ul>	<b>Target Group</b> <ul style="list-style-type: none"> <li>All employees</li> </ul>
<b>Council Approval</b> <ul style="list-style-type: none"> <li>June 18, 2014</li> </ul>	<b>Effective Date</b> <ul style="list-style-type: none"> <li>January 1, 2014</li> </ul>	<b>Supersedes</b> <ul style="list-style-type: none"> <li>n/a</li> </ul>
<b>Additional references</b> <ul style="list-style-type: none"> <li>HR 4.18.1 - Recruitment &amp; Selection</li> <li>HR 4.16.2 - Performance Management</li> <li>HS 6.1 – Return to Work after Absence Due to Medical Reasons and Temporary Modified Work Program</li> </ul>		

### Accommodating Disabilities Policy Statement

Under the Ontario Human Rights Code, employers are required to accommodate the needs of employees with disabilities to the point of undue hardship. Under the Accessible Employment Standard of the Accessibility for Ontarians with Disabilities Act employers must provide for accessibility across all stages of the employment life cycle.

The County of Northumberland (the County) is committed to being an inclusive workplace. To do this we are committed to ensuring that reasonable employment accommodations are provided up to the point of undue hardship to current and potential employees with disabilities. The County's commitment extends to all employment activities including recruitment, assessment, selection, orientation, working conditions, performance management, career development and advancement and redeployment.

Employment accommodations are assessed and delivered on an individual basis for people with disabilities who make their needs known. Each situation must be considered individually in order to assess appropriate accommodations. Requests for employment accommodations will be dealt with quickly and effectively in order to ensure employees can fully participate in all aspects of the employment cycle.

Individuals with disabilities will be accommodated in ways that respect their dignity, independence, integration, equality of opportunity and right to privacy in the workplace. All information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of meeting accommodation requirements.

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### Definitions

#### **“Disability”**

Disability shall mean the same as the definition of disability found in the Ontario Human Rights Code:

- 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, including diabetes mellitus, epilepsy, and degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog 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.

#### **“Accommodations”**

Accommodation is the duty owed by the County to an employee or potential employee not to discriminate against them. The aim of an accommodation is to remove barriers and ensure equality up to the point of undue hardship.

A recruitment accommodation is an adaptation or adjustment in the recruitment and selection process with the goal of enabling persons with disabilities to compete on an equal basis with other candidates (see Recruitment Accommodation procedure below).

An employment accommodation is an adaptation or adjustment with the goal of enabling persons with disabilities to perform the essential duties of a position (see Employment Accommodation procedure below).

Accommodations will vary depending on the person’s unique needs. Examples of accommodation include but are not limited to:

#### **1. Information and Communication Supports**

Information and communications supports include electronic formats, large print, braille, captioning, audio formats, and assistive listening systems.

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### 2. Human Support

Human support refers to personnel provided to assist in accommodation. Examples include attendants, sign language, oral interpreters, and readers.

### 3. Technical Aids and Devices

Technical aids and devices can include environmental control units (for example, remote control to open/close doors, operate lights), grips, braille computer printers, optical character recognition systems, keyboard adaptations and the training and technical support required to use technical aids and devices.

### 4. Position Redesign

Position redesign refers to the modification of duties and/or the hours of work.

### 5. Employment Policy and Practice Modifications

Employment policy and practice modification refers to the practice of waiving or modifying a particular working condition to provide accommodation, for example by providing flexible hours.

### 6. Workplace Modifications

Workplace modifications refer to physical or technological alterations of the workplace, and can include specialized or adjustable furniture, modified lighting, handrails, door access and retrofitted facilities.

#### “Essential Duties”

The essential duties of a position are those duties necessary to achieve the overall objective of the position. To determine the essential duties of a position, consideration should be given to:

- how often each duty is undertaken
- proportion of time spent on each duty
- impact of removing a duty
- description of current position, and
- normal productivity expected in the position

#### “Undue hardship”

The term undue hardship is as interpreted by the Ontario Human Rights Commission. The three considerations in assessing whether an accommodation would cause undue hardship are cost, outside sources of funding, and health and safety requirements.

## Procedures

### Recruitment Accommodations

The County is committed to proactively removing barriers in the recruitment and selection process. The County will notify potential applicants that accommodations are available up to the point of undue

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hardship in relation to the materials or processes used during the recruitment process, including assessment and selection (refer to HR Policy 4.18.1 – Recruitment & Selection).

When an applicant makes a request for accommodation, the Human Resources department will be responsible for consulting the individual to identify what he or she will need in order to be able to allow him or her to compete on an equal basis with other candidates (see Attachment #1 – Recruitment Related Accommodation Request Form). Applicants must identify their needs up front and provide timely information about how their situation may affect their abilities to perform in an interview or test in order to receive recruitment accommodation. The Human Resources department will obtain as much information on the person's needs as necessary in order to provide reasonable accommodation in the recruitment process to the point of undue hardship

Any recruitment accommodations provided will not change the nature of the qualification the County is assessing or the level at which it is assessed. Recruitment accommodations will be designed to allow for equitable assessment of candidates with accommodation needs without placing them at an advantage or disadvantage when comparing them to other candidates.

### **Employment Accommodations**

The County will notify successful applicants as well as current employees that employment accommodations, up to the point of undue hardship, are available upon request as well as provide information about how an employee can request an accommodation, whom to contact to request one and the process itself.

### **Temporary Employment Accommodations**

Temporary employment accommodations are managed through the County's Return to Work After Absence Due to Medical Reasons and Temporary Modified Work Program (HS Policy 6.1).

### **Long Term Employment Accommodations**

When an employee's disability causes workplace limitations which are longer in duration or are expected to be permanent or when it becomes apparent through the Return to Work after Absence Due to Medical Reasons and Temporary Modified Work program (HS Policy 6.1) that a return to full, regular duties is not expected, the following process will be followed:

#### **Step 1. Recognizing the Need for Accommodation**

The need for a long term employment accommodation can be identified in a number of ways.

In some cases, employees with disabilities will tell their supervisor, manager or the Human Resources department that they have a disability that requires accommodation. In this case employees should be directed to submit their request in writing to the Accessibility Coordinator through the Human Resources department (see Attachment #2 –Employment Accommodation Request Form) however, if not in writing, all forms of requests for accommodations must still be addressed.

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There may be other times where a supervisor or manager may initiate a dialogue to offer assistance and accommodation to an employee. Should a supervisor or manager notice that an employee could be helped by an accommodation, the manager should discuss the availability of accommodation measures with the employee.

The need for a long term accommodation may also be identified through the Return to Work After Absence Due to Medical Reasons and Temporary Modified Work Program (HS Policy 6.1) when it is deemed that a return to full, regular duties is not expected.

### **Step 2. Gather Relevant Information and Assess Needs**

The accommodation process is a collaborative one. The employee requesting the accommodation is an active participant and must be involved in the development of their accommodation plan as they provide important input about what might be most effective and appropriate. The employee can request the participation of a representative from his or her bargaining unit or another workplace representative if no bargaining unit is present.

Once a request for accommodation is received, the Accessibility Coordinator, along with the Occupational Health Nurse, will meet with the individual to explain the process, discuss privacy and obtain any relevant information such as medical information or releases. During this step, an employee will be asked to provide medical information to the Occupational Health Nurse (if it has not been provided already through the Return to Work/Temporary Modified Work program), at the employer's expense, that will help determine the appropriate accommodation measures. This may involve, for example, an attending physician's report and/or a functional abilities evaluation. Individual's health and disability-related information will be treated with the utmost confidentiality.

Based on the details of the relevant abilities and restrictions, the Accessibility Coordinator will consult with the individual, their Manager, the Occupational Health Nurse and where appropriate the Health & Safety Coordinator on accommodation requirements then explore the various options to determine which accommodation will best address the employee's needs. This may involve some experimentation, partial implementation and additional training. In determining the accommodation, the following factors will be taken into consideration:

- The modification of the work or the workplace for the employee to the extent that the accommodation does not cause the County undue hardship
- The respect of the health and safety of the employee and his/her coworkers
- The impact of coworkers and overall staff morale

All of the information gathering and needs assessment meetings, exploration of options including experimentation, partial implementation and training must be documented.

If an accommodation is denied, the Accessibility Coordinator will inform the employee of the reason for denial.

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### **Step 3. Write a Formal, Individual Accommodation Plan**

Once the individual, their Manager, the Accessibility Coordinator, the Occupational Health Nurse and where appropriate the Health & Safety Coordinator have agreed on the most appropriate accommodation, the details must be written down formally. The written accommodation plan must be provided to the employee in a format that takes into account their accessibility needs. The individual accommodation plan must include:

- a) Any information regarding accessible formats or communication supports
- b) Individualized workplace and emergency response information, if necessary and;
- c) Any other accommodation that is to be provided.

### **Step 4. Implement, Monitor and Review the Individual Accommodation Plan**

Once an acceptable accommodation has been found, the County will implement it as soon as possible. Then the employee and their manager must monitor the situation to confirm that the accommodation is successful.

The individual accommodation plan must be reviewed formally and updated with the employee, their manager, the Accessibility Coordinator, the Occupational Health Nurse and where appropriate the Health & Safety Coordinator on a predetermined schedule (typically once every 12 months). This allows all parties to ensure the accommodation is still meeting the needs of the employee and the County effectively.

The individual accommodation plan must also be reviewed if the employee changes their work location or position within the organization as well as anytime the nature of the employee's disability changes. If the accommodation is no longer appropriate, the employee, their Manager, the Accessibility Coordinator, Occupational Health Nurse and where appropriate the Health & Safety Coordinator must work together to gather update information and reassess the employee's needs in order to find the best accommodation measure (see Step 2).

While being provided a long term accommodation, employees are expected to provide updated medical documentation substantiating their continued need for accommodation upon request, or whenever there is a change in their medical condition which may alter the nature or extent of workplace accommodation required.

### **Legal Obligation and Limits**

The County is committed to fully exploring accommodation within the employee's own job. Accommodation outside of the employee's 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 to continued employment. The County is not obligated to accept substandard or less than competent performance from an employee or potential employee once they have been accommodated.

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### **Performance Management, Career Development/Advancement, Redeployment**

The accessibility needs of employees with disabilities, as well as individual accommodation plans, will be taken into account when providing performance management (refer to Policy 4.16.2 – Performance Management), career development and advancement or redeploying employees with disabilities.

### **Return to Work Process**

For all other accommodation requirements, including the process for employees who are absent from work due to disability and require accommodations in order to return, please refer to Policy HS 6.2 – Early and Safe Return to Work Program and HS 7.1 – Modified Work