

Policy Title	Accommodation in the Workplace	Policy #	
Policy Owner	Human Resources		
Topic	Occupational Health and Safety		
Approved By	Senior Leadership Team		
Approval Date	May 4, 2017		
Next Review Date	3 years		

## 1. Purpose and Scope

Trillium Gift of Life Network (TGLN) is committed to providing inclusive, barrier-free employment that is absent of discrimination as required under the *Ontario Human Rights Code (Code)* and the *Accessibility for Ontarians with Disabilities Act (AODA)*.

- TGLN will fulfil its duty to accommodate employees and job applicants by promoting inclusive employment practices and by exploring accommodation upon request based on the prohibited grounds under the *Code*, to the point of undue hardship.

The purpose of this policy is to:

- Provide a clear statement of the obligations and responsibilities required of TGLN by the *Code*, *AODA* and any other relevant legislation;
- Recognize the obligations of employees in the accommodation process; and
- Provide guidance and standards for the implementation of this policy.

This policy applies to all employees and applicants for employment that require accommodation due to a disability, whether temporary, sporadic, or permanent. This policy is available in accessible format and/or with communication supports upon request.

## 3. Policy

### 1. Commitment

TGLN's commitment extends to all aspects of employment.

- Employment accommodations may occur during: recruitment, assessment and selection, orientation, working conditions, promotion, training, performance management, career development, leaves of absence and return to work.
- TGLN will consult with employees who require accessible formats and/or communication supports to perform their job duties and to access generally available workplace information.

### 2. Principles:

TGLN is committed to achieving a culture and work environment that is supportive of employees and job applicants requiring accommodations by adhering to the following principles:

- Systemic Assessment - TGLN will routinely review existing Human Resources policies, practices and procedures to identify and eliminate barriers to access and inclusion.

- b) Individual Assessment - TGLN will assess accommodation needs on an individual basis for employees who make their needs known. TGLN takes a consultative approach with job applicants, new hires and current employees. Requests will be dealt with in a timely manner to allow employees to participate in all aspects of employment, except where evidence does not support the need for accommodation or where TGLN would incur undue hardship.
- c) Dignity and Privacy - TGLN respects one's dignity and the right to privacy and will ensure specific requests for accommodation are treated with confidentiality. Information collected will be solely used for the purpose of assessing and implementing accommodation options and solutions. TGLN will comply with all privacy, confidentiality and security requirements of the *Freedom of Information and Protection of Privacy Act*.
- d) Inclusion - TGLN will ensure Human Resources programs, policies and systems are designed and administered to foster the full integration of diverse individuals and groups protected under the *Code*.

### 3. Definitions

**Accessibility:** Refers to the absence of barriers that prevent individuals and/or groups from fully participating in all aspects of employment. The term is often linked to people with disabilities and their rights to access.

**Disability:** A disability may be temporary, sporadic, or permanent. Disabilities differ in severity and may be visible or invisible. A disability includes:

1. Any degree of physical disability;
2. A condition of mental impairment or a developmental disability;
3. A learning disability or limitation related to the understanding or use of language;
4. A mental disorder, including addiction; and
5. A work-related injury or disability.

**Duty to Accommodate:** The obligation of an employer to take steps to eliminate the disadvantage caused by systemic, attitudinal, or physical barriers that exclude individuals or groups protected under the *Code* from participating in all aspects of employment.

**Essential Requirements:** The core (bona fide) functions of a job, having regard to productivity and the importance of any function.

**Undue Hardship:** Refers to the limit of an employer's responsibility to accommodate the needs of an employee or job applicant who has demonstrated that accommodation is required on grounds protected under the *Code*.

### 4. Process/ Procedure

1. Assessing and Verifying the Need for Accommodation

- a) Employees are responsible for making their request for accommodation known to Human Resources (HR). An employee may ask another TGLN employee to join them during the process.
  - b) Employee requests for accommodation should focus on restrictions/limitations impacting their ability to perform their job.
  - c) Requests for accommodation shall include documentation to confirm the need for accommodation and or restrictions/limitations and the type(s) of accommodation requested. Supporting documentation must be suitable to the employer. HR will review the request and any documentation provided and maintain confidentiality. The employee's accessibility needs will be assessed on an individual basis based on employee-provided information, information from the employee's health care provider(s) or TGLN may request an evaluation by an outside medical or other expert at its cost and after notifying the employee.
  - d) If a Manager believes there is a need for accommodation not identified by their employee (i.e. an undisclosed disability), they shall consult with HR to begin the accommodation process.
  - e) Providing accommodation may not be required if:
    - i) The request is not linked to a prohibited ground in the *Code*;
    - ii) The employee fails to provide supporting documentation;
    - iii) The employee refuses to sign the required medical release;
    - iv) The restrictions do not impact the employee's current role; or
    - v) There is a contradiction between evidence received from a subject-matter expert and information provided by the employee.
2. Assessing and Identifying the Accommodation Solution
- a) Once restrictions are verified, HR, together with the Manager and employee, will assess the request for accommodation further by:
    - i) Identifying possible accommodation solutions and assessing the effectiveness; and
    - ii) Discussing timeframes for implementation and review.
  - b) An interim solution may be identified while accommodation requests are being assessed or implemented. This can include employee exemption from some essential duties on a temporary basis.
  - c) The employee can identify the accommodation solution they prefer, but must be open to other options that effectively accommodate their restrictions. TGLN may proceed with the option that is least costly, easiest to provide, a better fit and meets the needs of the employee.
  - d) TGLN will make every effort to ensure accommodation solutions do not pose disadvantages to the employee, however, in some circumstances, this may be unavoidable. In these cases, the employee has an obligation to accept a reasonable accommodation offer, even if it results in a decrease in pay.
  - e) Privacy shall be maintained by ensuring documents gathered to support the accommodation process are only accessed for that purpose, by those involved in the process.

### 3. Implementing the Accommodation Solution

- a) Once an accommodation solution has been selected:
  - i) The employee will be informed in writing and an *Individual Accommodation Plan* and its timelines will be agreed upon and signed by the Manager and employee;
  - ii) Equipment will be ordered, if required;
  - iii) The solution will be modified over time as necessary; and
  - iv) The solution will be reviewed periodically to assess the impact on the operations of the work unit, and to respond to any changes in medical condition, personal circumstances or job requirements.
  - v) If the employee requires the *Individual Accommodation Plan* to be provided in a format that takes accessibility needs into account TGLN will consult with the employee on how this can be achieved.

### 4. Denying the Request

- a) If it is the opinion of TGLN that no requirement to accommodate exists, or no accommodation options can be implemented without causing undue hardship to TGLN, the employee will be notified in writing with the reason for denying the request.

Responsibility (Who)	Action (What)
Employee	<ol style="list-style-type: none"> <li>1. Identify needs and initiate requests for accommodation to Human Resources or Manager.</li> <li>2. Provide evidence to support accommodation needs and to support the assessment of accommodation options/solutions.</li> <li>3. Participate in good faith in the assessment and implementation of accommodation solutions.</li> </ol>
Manager	<ol style="list-style-type: none"> <li>1. Manage the accommodation process by assessing requests in good faith, considering options and documenting, monitoring and evaluating accommodation solutions.</li> <li>2. Advise Human Resources of undisclosed disabilities of employees that may require accommodation.</li> </ol>
Human Resources	<ol style="list-style-type: none"> <li>1. Manage the accommodation process by assessing requests in good faith, considering options and documenting, monitoring and evaluating accommodation solutions.</li> <li>2. Involve outside subject-matter experts regarding accommodation obligations, as required.</li> </ol>
Finance	<ol style="list-style-type: none"> <li>1. Review costs associated with accommodation plan. Determine appropriate cost centre.</li> </ol>

### 5. References & Related Policies

- Ontario Human Rights Code
- Accessibility for Ontarians with Disabilities Act, 2005

## Individual Accommodation Plan form

### 6. Review/ Revision History

Version #	Approved By Name of Position or Committee	Date