

POLICY 4.1.4 Accommodating Disabilities

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Applicable To: All employees

If you require this information in an alternate format, please contact the Accessibility Coordinator at 1-800-354-7050 ext. 2327.

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, 2005* (AODA) 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 the County is 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 to assess appropriate accommodations. Requests for employment accommodations will be dealt with quickly and effectively 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* and the AODA:

- 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*.

The Ontario *Human Rights Code* protects people from discrimination and harassment because of past, present, and perceived disabilities. “Disability” covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time.

There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions.

“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).

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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.

2. Human Support

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

3. Service Animals

An animal is a service animal for a person with a disability if it is visibly apparent that the animal is used by the person for reasons relating to their disability or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to their disability.

4. 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.

5. Position Redesign

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

6. 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.

7. 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.

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“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:

- a. how often each duty is undertaken
- b. proportion of time spent on each duty
- c. impact of removing a duty
- d. description of current position, and
- e. 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.

Objective(s)

- To outline the process to accommodate the needs of current and potential employees with disabilities throughout the employment life cycle.

Authority

Accessibility for Ontarians with Disabilities Act, 2005
Ontario Human Rights Code, 1990

Scope

All employees, as well as prospective employees engaged in the recruitment process.

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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 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 they will need to be able to allow them 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 to receive recruitment accommodation. The Human Resources department will obtain as much information on the person's needs as necessary 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

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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 several 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.

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 their bargaining unit or another County employee such as a supervisor or peer if no bargaining unit present.

Once a request for accommodation is received, the Accessibility Coordinator and 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 HS6.1 Return to Work After Medical Absence and Modified Work program) that will help determine the appropriate accommodation measures. This will be done at the County's expense and may involve, for example, an attending physician's report and/or a functional abilities evaluation. The employee's health and disability-related information will be treated with the utmost confidentiality.

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Based on the details of the employee's 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 reasonably 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 their coworkers
- The impact on coworkers and overall staff morale.

Meetings and actions related to information gathering, needs assessment, exploration of accommodation options (including experimentations) partial implementation of accommodations and accommodation-related training must be documented.

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

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 reasonable accommodations, the details must be documented in the employee's Individual Accommodation Plan. The Individual Accommodation Plan must be provided to the employee in a format that considers their accessibility needs. The Individual Accommodation Plan will be stored in the employee's file and must include:

- a. Limitations/restrictions, job-related activities affected by the limitations, objectives of the accommodations and the selected strategies/tools selected to facilitate job-related tasks.
- b. Any information regarding accessible formats or communication supports.
- c. Individualized workplace and emergency response information, if necessary and
- d. 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. The employee and their manager must monitor the situation to confirm that the accommodation is successful.

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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, the Occupational Health Nurse and where appropriate the Health & Safety Coordinator must work together to gather updated information and reassess the employee's needs to find alternate reasonable accommodation measure(s) (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. Updated medical information may alter the nature or extent of the 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.

Performance Management, Career Development/Advancement, Redeployment

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

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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 to return, please refer to Policy HS 6.1 Return To Work After Medical Absence and Modified Work Policy

References

HR Policy 4.18.1 Recruitment & Selection

HR Policy 4.16.2 Performance Management

HS Policy 6.1 Return to Work after Absence Due to Medical Reasons and Temporary Modified Work Policy

Review

This policy will be reviewed and updated as required.

Attachments

Attachment #1 - Recruitment-related Accommodations Request Form

Attachment #2 - Employment Accommodations Request Form

Date of new or revised policy: August 1, 2023

This form is available in an alternate format, upon request.



Recruitment-Related Accommodation Request Form

Please use this form to document requests for accommodations in the recruitment and assessment process. Further information can be found in the HR 4.1.4 Accommodating Disabilities Policy.

For Human Resources department use only

Note: All information is kept confidential except where necessary to arrange the accommodation.

Name of Requester:

Position:

Phone number:

Email:

Preferred method of contact:

Accommodation needed for:

Application

Assessment (Interview)

Please identify the specific accommodations you require to participate fully in the application and/or interview process.

Request received by:

Date requested:

Details of accommodation
Provided:

This form is available in an alternate format, upon request.



Employment Accommodation Request Form

Please use this form request and employment accommodation. Further information can be found in the HR 4.1.4 Accommodating Disabilities Policy.

Section 1: Request for Accommodation (to be completed by employee)

Note: All information is kept confidential except where necessary to arrange the accommodation.

Name of Requester:

Position:

Department

Phone number:

Email:

Preferred method of contact:

What are the job requirements and related tasks that you are requesting accommodations for? Please identify your requested accommodation(s) for each task. (Use page 2 if more space is needed.)

After completing section 1, forward the form to the Accessibility Coordinator, Human Resources

Section 2: To be completed by Accessibility Coordinator

Date received:

Date of first information gathering meeting:

This form is available in an alternate format, upon request.

Use this space for Section 1 if you need more space to identify job requirements, related tasks and the accommodations requested for each task.