


<b>Policy #</b>	HR 109
<b>Approved by:</b>	Jennifer O'Brien
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<b>Policy Holder Signature:</b>	
<b>Policy Holder:</b>	Vice President, People(s), Culture and Organizational Excellence
<b>Administrative Contact:</b>	Associate Vice President, Client Services
<b>Replaces Policy Dated:</b>	September 30, 2014
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## Accommodation for Employees with Disability Policy

### Purpose/Rationale:

The Humber College Institute of Technology and Advanced Learning, operating as Humber Polytechnic and the University of Guelph-Humber (hereafter referred to as "Humber") is committed to providing an accessible learning, working, and living environment that is inclusive of all persons and supports all members of the Humber community in an equitable manner. Humber will support and facilitate the accommodation of employees with disabilities so that they are able to safely access all the opportunities that Humber offers, subject only to the limits of undue hardship.

Humber recognizes the importance of inclusion by design and barrier removal in the integration of employees with disabilities. Humber will work to eliminate or minimize the adverse effects of all forms of barriers in accordance with its obligations under the Human Rights Code ("Code"), and the Accessibility for Ontarians with Disabilities Act, 2005 ("AODA").

Humber has implemented an Accessibility Policy and an Accessibility Plan as part of its proactive approach in working to build conceptions of equality into workplace standards and removing barriers that exist in order to ensure equality of opportunity and inclusion.

Humber has implemented a Return to Work Policy ("RTW Policy") to support employees returning to work after an injury or illness, and to address situations where these employees may require individualized accommodations as a result of disabilities.

Subject to the foregoing, the purpose of this policy is to guide process and decision-making for individual employee disability-related accommodations at Humber. In this regard, this policy:

- recognizes and confirms Humber's obligations and responsibilities in the workplace to provide an individualized accommodation process for employees with disabilities;
- outlines the approach for addressing individual accommodation issues; and
- sets out guiding principles for the implementation of this policy.

**This document is available in alternate format upon request.**

**Scope:**

This policy applies to all Humber employees, including full time, part time, sessional and contract employees.

***Definitions:***

**Disability:** is defined by the Ontario Human Rights Code as:

- (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.

**Medical Restrictions and Limitations:** Restrictions are those physical or mental activities that an employee is not able to carry out and are to be avoided, as a result of the employee's medical condition or treatment, or in order to prevent an increase in severity of symptoms. Limitations are those physical or mental activities that an employee may carry out but only in a limited capacity, as a result of the employee's medical condition or treatment, or in order to prevent an increase in the severity of symptoms. To support the Return to Work process, an employee will provide the third-party provider with medical documentation that outlines their restrictions and/or limitations as completed by their physician or health care provider.

**Personal Health Information:** Under the Personal Health Information and Protection of Privacy Act, personal health information is considered to be individually identifiable information that pertains to an individual's health status, including information about the individual's physical or mental health, health care services, test results, identification of health care providers and/or health number.

**Reasonable Accommodation:** Is an individualized process which, to the point of undue hardship, involves the implementation or modified or transitional duties for the removal or alleviation of barriers that prevent an otherwise capable individual from participating equally in the workplace because of a disability, in accordance with the Ontario Human Rights Code.

For the purpose of this policy, "reasonable accommodation" and "accommodation" are used interchangeably.

**Undue Hardship:** The point at which, after examination of all relevant circumstances, it is determined that providing an employee with an accommodation would result in excessive impact on the business or operations of Humber. The Ontario Human Rights Code prescribes three factors to consider when assessing whether an accommodation could cause undue hardship: financial costs, outside sources of funding, and health and safety risks.

## **Policy:**

### **1. Objectives**

- 1.1. Humber is committed to:
  - 1.1.1. ensuring compliance with all applicable legislation and Humber policy;
  - 1.1.2. Ensuring that all requests for accommodation are considered on a case-by-case basis in order to determine accommodation requirements;
  - 1.1.3. Ensuring that all safety measures are taken into consideration in determining appropriate accommodation;
  - 1.1.4. Establishing an efficient and timely accommodation process that is consistent with the requisite principles outlined in Human Rights jurisprudence; and
  - 1.1.5. Clarifying roles and accountabilities for those involved in the accommodation process within the Humber community.

### **2. Principles**

- 2.1. In individual cases, accommodation is a process which seeks to find the means to ameliorate those restrictions/limitations caused by the individual's disability that preclude the individual from either meeting the requisite qualifications or from carrying out the essential requirements of a position. This process will take into account the following guiding principles:
  - 2.1.1. The search for accommodation in any individual case is a process that takes into account the unique needs of the individual being accommodated. As a direct result, the individual must cooperate in the process by providing information, including medical forms that are submitted to the third-party disability management provider, that clearly outline the restrictions/limitations/needs that result from the disability. As well, the individual must work with Humber to find an appropriate accommodation.
  - 2.1.2. While Humber has the ultimate responsibility for deciding on the accommodation to be provided, the search for accommodation is a multi-party process that involves Humber, the individual and, if the individual is represented by a union, the union.
  - 2.1.3. Every effort should be made to canvas all possible reasonable accommodations - i.e. the means by which the restrictions/limitations arising from the individual's disability can be effectively ameliorated in order to permit the individual to meet the qualifications or perform the essential requirements of the position. The accommodation selected will be that accommodation that aims to reduce the impact of the disability at work, most respects the individual's dignity and does not give rise to undue hardship.
- 2.2. The accommodation process will incorporate measures to respect and protect the confidentiality of personal or medical information.

### **3. Accommodation Planning**

- 3.1. In the accommodation process, workplace parties will be expected to work together cooperatively in a respectful manner, to share information, and to avail themselves of potential accommodation solutions.

- 3.2. A written Accommodation Plan shall be developed to detail the roles and responsibilities of the parties and to facilitate accountability and regular monitoring.
- 3.3. Accommodations shall be developed on an individual basis, shall aim to remove barriers and ensure equality, and shall incorporate all appropriate measures to ensure the safety of the individual requesting the accommodation and all others.
- 3.4. Appropriate accommodations may include but are not limited to:
  - 3.4.1. Workstation modifications
  - 3.4.2. Technical aids
  - 3.4.3. Job redesign
  - 3.4.4. Building modifications
  - 3.4.5. Flexible or alternative work schedules
  - 3.4.6. Temporary alternative work
  - 3.4.7. Leaves of absence
  - 3.4.8. Human support services
  - 3.4.9. Provision of materials in alternative formats
  - 3.4.10. Counselling and referral services
  - 3.4.11. Consultation with appropriate medical/occupational specialists
- 3.5. In determining whether an accommodation could cause undue hardship, budgetary restrictions shall not be assumed to be a barrier in the first instance. If the cost of providing necessary accommodations is an issue, People(s) and Culture shall be consulted.

#### **4. Confidentiality of Information**

- 4.1. Requests for accommodation may involve the disclosure of private or highly sensitive information. Persons request accommodation shall be asked only for information required to support the accommodation request, and to respond appropriately to the request.
- 4.2. Information related to an individual's disability and accommodation requests shall be kept in a separate location from the individuals' regular personnel file.
- 4.3. Personal information concerning an employee's disability shall not be disclosed without the prior written consent of the individual or where the disclosure is necessary to obtain an effective accommodation, without advising the individual to whom the information will be disclosed, and must be managed in a manner that is consistent with the *Freedom of Information and Protection of Privacy Act*.
- 4.4. Only relevant stakeholders will be involved in the development of an employee's accommodation plan.
- 4.5. Where the accommodation process requires the disclosure 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 shall be required to ensure that confidentiality is protected, that the information obtained is kept in a secure location, and is used solely for the purpose for which the disclosure was required.

#### **References:**

[Accessibility for Ontarians with Disabilities Act](#)

[Occupational Health and Safety Act, 1990](#)

[Ontario Human Rights Code, 1990](#)

[Workplace Safety and Insurance Act, 1997](#)

[Freedom of Information and Protection of Privacy Act, 1990](#)

[Personal Health Information Protection Act, 2004](#)

**Related Procedure(s):**

Accommodation for Employees with Disabilities Procedure