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Policy Holder:	Vice President, Human Resources
Admin. Contact(s):	Manager, Health and Safety
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Accommodation for Employees with Disabilities Procedure

Humber is committed to providing an accessible learning, working, and living environment for the Humber community.

The College's Accessibility Policy and its Accessibility Plan, in accordance with Humber's responsibilities under the AODA 2005 and Humber's Human Rights Policy, set out the means by which the College will proactively seek to reasonably accommodate employees by removing those barriers that limit, restrict or prevent individuals from participating fully and equally in the work place because of disabilities.

The College has implemented a Return to Work Policy ("the 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 a disability.

This procedure is intended to provide guidance in implementing the Accommodation for Employees with Disabilities Policy which provides for reasonable accommodations on an individualized basis for individuals who are impeded from fully accessing the work place or performing the essential requirements of their work because of disabilities.

Purpose:

1. To provide individualized accommodation for employees with disabilities.
2. To outline the roles and responsibilities of individuals in the accommodation process.
3. To outline the steps involved in developing individualized accommodation plans for employees with disabilities.

This document is available in alternate format on request.

Definitions:

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

- (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.

Reasonable Accommodation: for the purpose of this procedure, is an individualized process which, to the point of undue hardship, involves the removal or alleviation of barriers that prevent an otherwise capable individual from participating equally in the workplace because of a disability. For the purpose of this document, "reasonable accommodation" and "accommodation" are used interchangeably.

Undue Hardship: The point at which, having regard to all of the relevant circumstances, providing an employee with accommodation is outweighed by financial and/or institutional costs, the impact on other employees, health and safety considerations and/or other relevant factors involved in providing the accommodation.

Procedures:

1. General Considerations

- 1.1 Workplace accommodations can range from simple and straightforward cases, to lengthy and complex ones. The steps in this procedure outline the general process by which the College addresses accommodation for employees with disabilities in the workplace. It must be recognized that the Human Rights Tribunal of Ontario has emphasized that following a proper process in every case is of critical importance and that failure to do so may be seen as a violation of the *Human Rights Code*.
- 1.2 Each employee who requests or requires workplace accommodation for a disability will be considered individually and on a case-by-case basis, when determining appropriate and reasonable accommodation measures. In order to ensure that such requests are effectively dealt with, there may be some variation in the extent to which each step outlined in this procedure is applied.
- 1.3 The principles of dignity, individualization, inclusion and full participation are to be applied throughout the entire accommodation process. All parties share in the responsibility to engage in meaningful dialogue and to work together respectfully towards accommodation solutions.

2. Requests for Accommodation

- 2.1 A need for accommodation for reasons of disability may be identified in a number of ways, including the following:
 - 2.1.1 An employee may identify the need by notifying her/his manager or Human Resources that due to a disability, s/he cannot perform the essential duties of her/his job and requesting an individual accommodation plan.
 - 2.1.2 For an employee returning to work after an illness or injury, the return to work process involves a review to determine whether there are any disabilities and/or required accommodation prior to the employee returning to the workplace, and is covered by the RTW Policy.
 - 2.1.3 The need for accommodation may be identified by a manager, health care provider or another party, in which case the employee will be made aware of the accommodation process.
- 2.2 All accommodation requests involving employees returning to work after an illness or injury, or more complex cases shall be directed to Human Resources.
- 2.3 Accommodation requests are to be made in writing to the employee's manager or to Human Resources. If requested, the employee may provide her/his accommodation request in an alternate format that takes into account her/his accommodation needs.
- 2.4 All accommodation requests are to be taken seriously, whether made in writing or otherwise.
- 2.5 In the event that an accommodation request is denied, the employee will be provided with written documentation of the reasons for the denial. These reasons will also be provided in alternate format upon request.
- 2.6 The denial of an accommodation request may be appealed, in writing, within 10 working days to the Vice-President, Human Resources or designate. The Vice-President, Human Resources or designate shall make a final decision as soon as reasonably possible, based on a review of the accommodation request, the written documentation of the reasons for the denial and any further information provided by or obtained from all parties regarding the request.

3. Medical Documentation

- 3.1 A request for accommodation must be supported by appropriate medical documentation. Such documentation must confirm that the employee has a disability that interferes in her/his ability to do her/his job or otherwise participate fully in the workplace, outline the specific restrictions and limitations that need to be accommodated, and the duration of the accommodation. It is recognized that there may be some obvious cases where medical documentation would not be required; Human Resources can assist with this determination.
- 3.2 Employees are encouraged to send all medical documentation directly to Human Resources. All such documentation will be stored within Human Resources and treated in accordance with the policy provisions for confidentiality.

3.3 Additional medical documentation may be required with complex medical cases, cases involving a permanent disability, or cases requiring clarification about the employee's disability or restrictions. In such situations, Human Resources will provide the employee with the College's written request for further information from the employee's doctor, medical specialist or other health care provider. Where such requests result in insufficient information to determine appropriate accommodation measures, the College will require the employee to undergo an independent medical examination. The employee will be requested to sign a consent document to permit enquiries and release of information to Human Resources. The costs associated with obtaining additional medical documentation will be covered by Humber.

3.4 Human Resources will review the information in the medical documents received, and will only communicate non-confidential information (e.g. functional abilities, limitations or restrictions, prognosis, anticipated duration of accommodation) to the employee's manager. No confidential information (e.g. diagnosis, treatment plan, name/specialty of the health care provider) will be shared without the prior written consent of the employee, excepting only where the information needs to be shared with a supervisor or others in order to achieve the accommodation, in which case the employee will be consulted first.

4. Responsibilities

4.1 Employee's Responsibilities

- Notify her/his Manager that due to illness, injury or a disability, s/he requires accommodation in order to perform the essential duties of her/his job.
- Provide relevant medical documentation confirming the disability (provided that, normally, there is no need to identify the diagnosis) and outlining any restrictions/limitations that need to be accommodated.
- Participate and cooperate in the development of the accommodation plan with Human Resources and the Manager.
- Request the attendance of a Union Representative in the development of the accommodation plan, if desired.
- Provide updated medical documentation as restriction and/or abilities change, or as reasonably requested by Humber.
- Participate in regular reviews and any required updates of the accommodation plan with Human Resources and the Manager.

4.2 Manager's Responsibilities

- Notify Human Resources of an employee's request for workplace accommodation.
- Participate and cooperate in the development of the individual accommodation plan.
- Facilitate workplace arrangements as outlined in the plan or propose alternate arrangements.
- Monitor and evaluate the accommodation plan.
- Maintain confidentiality of all employee information collected during development, monitoring and evaluation of the accommodation plan unless written consent is obtained from the employee, unless disclosure is required in order to achieve the accommodation, in which case the employee will be consulted first.
- Review the accommodation plan on a regular basis, in consultation with Human Resources and the employee, to update and revise as needed.

4.3 Human Resources Responsibilities

Within Human Resources, the Human Resources Manager and/or the Health and Safety Manager will provide information, support and assistance as needed throughout the accommodation process.

- Assist in the development of an individual accommodation plan in accordance with the documented accommodations of the employee.
- Request the employee to be evaluated by a medical or other expert, at the employer's expense, if required to assist in determining the accommodation.
- Maintain confidentiality of all employee personal and medical information collected during development, monitoring and evaluation of the accommodation plan, unless written consent is obtained from the employee or disclosure is necessary in order to achieve the accommodation, in which case the employee should be consulted first.
- Participate and assist where required with a review of the accommodation plan, in consultation with the Manager and the employee.
- Provide the accommodation plan in an alternate format, if requested.

4.4 Union Representative Responsibilities

- Employees should be encouraged to involve their Union in the accommodation process.
- Where an accommodation may impact on the rights of other employees in the bargaining unit or requires a waiver or variation of any provision of the collective agreement, the employee's union must be involved in the process.
- Where the Union does become involved in the accommodation process, the Union will represent and assist the employee in understanding the procedure and her/his responsibilities regarding the accommodation process, and attend all meetings with the employee to discuss accommodation, and provide input into the accommodation process.

5. The Accommodation Process:

Accommodation requests are often directed to Human Resources to assist in coordinating the development of the accommodation plan, and the steps that follow are based on this approach. A manager may choose to develop the accommodation plan with minimal assistance from Human Resources, particularly if the requirements are straightforward, but should confirm the accommodation plan with Human Resources before implementing it.

- The employee shall notify her/his manager of the request for an individual accommodation plan.
- The employee or manager may contact Human Resources for assistance in the development of the accommodation plan. The Human Resources Manager and/or the Health and Safety Manager will provide information, support and assistance as needed throughout the accommodation process.
- The employee should be encouraged to contact her/his union representative for advice, input and/or support during the accommodation process.
- Once the request is received, the employee will be required to provide appropriate medical documentation, as per Section 3 of this procedure.

- Human Resources will review the medical documentation to ensure that the information provided is adequate, and will request additional medical information if needed. The manager will be informed about the employee's restrictions, limitations and accommodation needs.
- The manager, in consultation with the employee and Human Resources, will make every reasonable effort to identify appropriate accommodation measures that will enable the employee to fulfill the essential duties of her/his job. [Note: Humber is not required to create a new position for the employee; the accommodation process is intended to assist the employee in performing her/his current position. However, in some cases, the employee may be assigned a temporary position pending resolution of her/his disability to the point where s/he is able to return to her/his position, with or without accommodation.]
- The manager will also determine whether the employee requires individualized workplace emergency response information and/or an individual Workplace Emergency Response Information (WERI) plan as a result of the disability. If a WERI Plan (Appendix A) has previously been completed for the employee, the manager must review and make appropriate changes as required, and with the employee's consent, inform persons designated to provide assistance.
- An accommodation meeting involving the employee, the manager, the union representative (if requested by the employee, or if the accommodation could involve a waiver or variation of a term in the collective agreement) and Human Resources can be held to discuss the restrictions and limitations, the accommodation options, the duration of the accommodation, and any other issues that may impact on the success of the accommodation, as well as to cooperatively develop an accommodation plan.
- All possible reasonable accommodation measures must be canvassed. Those accommodation measures selected to be included in the accommodation plan must be the measures that most respect the dignity of the individual while achieving the aim of providing the individual with an equal opportunity, provided that no accommodation measure need be selected which creates undue hardship.
- Where a concern arises that either no measure for accommodation is available or all possible accommodation measures would give rise to an undue hardship, Human Resources must be involved in any subsequent decisions regarding the accommodation process.
- Once the accommodation measures have been determined, the manager will prepare a written accommodation plan outlining the nature of the accommodation and the measures agreed upon. An Individual Accommodation Plan template is included in Appendix B. Health and Safety Services can assist in drafting the accommodation plan, particularly with return to work cases and more complex accommodations. The manager will sign the plan document, and the employee and the employee's union representative (if any) will be given an opportunity to sign the plan. A copy of the final plan will be forwarded to all parties involved. A copy will be kept in Human Resources.
- The manager, with cooperation from the employee, is responsible for ensuring that the measures outlined in the accommodation plan are implemented. Human Resources can be asked to assist with these measures where required.

6. Follow-Up

- 6.1 The manager must conduct ongoing monitoring and reassessment of the accommodation plan during the period of accommodation. This is best done by having regular and documented accommodation meetings throughout the period of accommodation.
- 6.2 Human Resources may request updated medical information on a periodic basis to support ongoing accommodations.
- 6.3 The employee or manager can contact Human Resources to assist in reviewing or revising the accommodation plan if the restrictions and limitations have changed or if updated medical documentation is received.
- 6.4 For long-term accommodation plans, the accommodation measures should be reviewed regularly and at least annually, or based on any of the following conditions:
 - (a) Accommodation requirements change
 - (b) Transfer to a different work location (e.g. office, campus)
 - (c) Job responsibilities change

References:

[Accessibility for Ontarians with Disabilities Act \(AODA, 2005\)](#)

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

[Humber College Accessibility Policy](#)

[Humber College Human Rights Policy and Procedure](#)

[Humber College Occupational Health and Safety Policy](#)

[Humber College Return to Work Policy](#)

[Ontario Human Rights Code \(1962\)](#)

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

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

Appendices:

Appendix A Workplace Emergency Response Information (WERI) Plan

Appendix B Individual Accommodation Plan (Template)

Appendix A
Workplace Emergency Response Information Plan

Humber is required to provide individual emergency response information to employees with disabilities in order to be in compliance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The purpose of the workplace emergency response information is to outline how an employee will be provided with assistance in the event of an emergency. An emergency can range from an acute event that requires medical attention to an event such as a fire where special evacuation procedures may be necessary. The workplace emergency response information applies to all employees paid by Humber College including work study students.

In consultation with employees with disabilities, Managers/Supervisors shall use the Plan template to determine what the employee's needs are in the event of an emergency.

If you have any questions or need assistance completing the Plan, contact the AODA Coordinator by email at humanrights@humber.ca or by phone at 416.675.6622 ext. 5647.

For Employees with Disabilities Only

I do not require an individualized emergency response plan.

Employee's signature _____

Date _____

Contact Information

Employee's Name: _____

Email: _____

Phone: _____

Manager/Supervisor's Name: _____

Building: _____

Campus: _____

Date: _____

Update and Revise your Plan

The AODA (2005) requires employees to update and revise their workplace emergency response information annually, or based on the following:

- Your emergency evacuation needs change
- The name(s) of the person(s) who will assist you in the event of an emergency changes
- When your overall accommodations needs are revised
- You transfer to a different location at Humber (for example, moving locations from North Campus to Orangeville Campus)
- When Humber revises its general emergency response policies

Communication

	Yes	No	N/A
All Humber buildings have an alarm system that warns employees of a fire emergency. Can you hear the fire emergency system?			

Workplace Emergency Response Information Plan			
Rescue Assistance			
	Yes	No	N/A
Do you require evacuation assistance to exit the building?			
If yes, identify what assistance will be required:			
Assistant(s) (if required)			
Name	Phone Number	Email	
Lockdown			
	Yes	No	N/A
Do you require an accommodation(s) during a lockdown?			
If yes, identify what accommodation(s) will be required:			
Service Animal			
	Yes	No	N/A
Do you use a service animal?			
Other Types of Emergency Requirements			
	Yes	No	N/A
Are there any other measures that could be introduced that would assist you in the event of an emergency?			
If yes, please identify what accommodation will be required.			

I consent to have my individualized emergency workplace response information shared with the person(s) designated to provide me with assistance in the event of an emergency.

Employee Signature

Date

If you have any questions or require assistance completing the Plan template, please contact the AODA Coordinator by email at humanrights@humber.ca or by phone at ext. 5647.

Copies to: ✓	Employee <input type="checkbox"/>	Manager <input type="checkbox"/>	HR Services <input type="checkbox"/>
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Appendix B

CONFIDENTIAL

INDIVIDUAL ACCOMMODATION PLAN

This accommodation plan must be made in consultation with the employee. Managers/Directors/Deans shall use this template to document accommodations requested by an employee.

Confidentiality of Information:

- Employees are encouraged to send all required medical documentation directly to HR Services. These documents will be stored within HR and treated in accordance with privacy and confidentiality requirements. Only information regarding functional work abilities or restrictions relating to an employee's job duties would be shared with the employee's manager.
- Any medical information provided to a manager may be shared with HR Services; the manager must take all measures to ensure that such information is treated as private and confidential.
- Information will only be shared on a need to know basis with involved parties.

This document is available in alternate format upon request.

SECTION A – PERSONAL INFORMATION

Employee's Name:

Phone:	Email:
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Job Title:

School/Department:

Room/Campus:

Manager's Name:

Phone:	Email:
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Nature/Objective of Plan:

Plan Start Date:	Plan End Date:
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Medical Documentation Provided and Complete: YES NO

Employee's Workplace Emergency Response Information/Plan Reviewed: YES NO N/A

Accommodation Meeting Date:

Accommodation Meeting Attended by:

Updated medical documentation required by:

Individual Accommodation Plan
SECTION B – SUMMARY OF RESTRICTIONS AND LIMITATIONS
SECTION C – SUMMARY OF ACCOMMODATION MEASURES
SECTION D – REVIEW
<p>The AODA (2005) requires the manager/employee to update and revise the Individual Accommodation Plan at least annually, or based on the following:</p> <ul style="list-style-type: none">a) accommodation needs changeb) transfer to a different office or campus location at Humber, orc) job responsibilities change. <p>Date of Next Review: _____</p>

By signing below, you acknowledge that you understand and accept this Individual Accommodation Plan and that it has been reviewed with you by your manager.

Signed,

Employee: _____

Date: _____

Manager: _____

Date: _____

If you have any questions or require assistance completing the accommodation plan template, please contact your HR Manager. The Accommodation for Employees with Disabilities Policy is available at www.humber.ca/policies.

Copies:

- | | |
|-----------------------------------|----------------------------------|
| <input type="checkbox"/> Employee | <input type="checkbox"/> Union |
| <input type="checkbox"/> HR File | <input type="checkbox"/> Manager |