

Municipality of West Elgin

Schedule “A” to By-Law #2021-XX

Policy HR-8.4

Accommodation in the Workplace Policy

Effective Date: October 14, 2021

Review Date:

The Legal Environment

The Ontario *Human Rights Code* creates a legal duty of accommodation in Ontario workplaces. The duty of accommodation provides Employees who have needs related to a disability, religious obligation or sex that conflict with their working conditions with the right to be provided with reasonable assistance or accommodation to enable them to participate in the activity of work.

The Employer, the Bargaining Agent (if applicable) and all Employees who are members of the workplace community all share a legal obligation to identify, implement and/or support appropriate accommodation initiatives where employees can be accommodated in the workplace without undue hardship.

The Municipality of West Elgin Commitment

The Municipality of West Elgin is committed to ensuring equality in the workplace. The Municipality of West Elgin is committed to assessing and addressing the legitimate accommodation needs of Employees. Accommodation issues can be successfully identified, assessed and addressed only where all parties are meeting the expectations and responsibilities outlined in this policy. Successful accommodation initiatives require the cooperation of and a consultative approach by Management, the Employee seeking accommodation, the workplace community, the Bargaining Agent and attending medical practitioners. All accommodation requests will be treated in a confidential manner.

The objective of this policy is to facilitate the identification and resolution of accommodation issues that arise out of the following circumstances:

1. The existence of needs attending a condition of "disability" that is in conflict with the employment obligations;
2. The existence of needs arising out of a protected status under human rights legislation that are in conflict with the employment obligations.

It is understood that the Employer's ability to identify, properly assess and implement appropriate accommodation initiatives is dependent upon the support and input of all of the parties as outlined herein.

A) Employee Responsibilities

1. Obligation to Communicate Need

Employees have an obligation to promptly advise Management or Human Resources of any condition of disability or need related to any other protected status that conflicts with their ability to either provide regular attendance at work, perform their regular duties or comply with other terms and conditions of employment.

2. Obligation to Provide Information (*Medical or Other*)

Where a potential accommodation issue has been identified, the Employee seeking accommodation is responsible for promptly responding to all Employer requests for information that the Employer identifies as relevant to assessing or pursuing accommodation initiatives.

3. Obligation to Facilitate Accommodation Initiative

Any Employee requiring accommodation is expected to conduct himself/herself reasonably and provide his/her full cooperation and support to the implementation of accommodation initiatives.

Employees should recognize that a failure to:

1. Communicate an accommodation need;
2. Provide all relevant information in a timely manner; and
3. Cooperate with the implementation of accommodation measures;

may limit the Employer's ability and obligations to successfully address the Employee's accommodation needs.

B) Management's Responsibilities

1. Upon an accommodation issue being raised or communicated by an Employee, Management will:

- (a) assess and verify the existence of an accommodation need;
- (b) assess and identify appropriate accommodation options.

2. Management will monitor the progress of Employees who are being accommodated. Such monitoring will include requests for up-dated information from

Employees and/or attending medical practitioners from time to time. The monitoring and current information will enable the Employer to respond to changing needs and/or identify when the need for accommodation ends.

D) Workplace Community's Responsibilities

Successful accommodation requires the support and commitment of everyone in the workplace community. All employees are expected to provide their assistance and support where required to facilitate accommodation initiatives. All members of the workplace community have an obligation to respect the right to accommodation of any employee with a qualifying need.

E) Responsibilities of Attending Physicians

The verification of accommodation issues and identification of appropriate accommodation initiatives is dependent upon relevant and timely input from attending medical practitioners. The attending physicians of any Employee who is faced with an accommodation issue in the workplace shall provide their full cooperation and support by:

1. Responding in a complete and timely manner to any request for information initiated by the Employer.
2. Communicating to the Employer in a timely manner any changes in the Employee's condition that may alter the required scope, duration or nature of an accommodation initiative.

Our Commitment at the Municipality of West Elgin

Successful accommodation initiatives require the cooperation, input and support of all parties; the Employer, the Employee seeking accommodation, attending physicians, Bargaining Agents and all employees in the workplace community. It is expected that all parties will provide their cooperation and relevant input to ensure that they can successfully address accommodation issues that arise in the workplace. Employee privacy will be taken into consideration throughout the accommodation process.

Recruitment Accommodations

Accommodations will be provided to candidates during the recruitment process, including assessment, and orientation.

1. Make sure that qualifications are reasonable and pertain to the job. They should focus on education, experience, skills and abilities that reflect the bona fide occupational requirements of the job.

2. Make all potential applicants aware that the Municipality will take steps to accommodate disability related needs in the interview or assessment process. Applicants must identify their needs up front and provide timely information about how their situation or condition may affect their abilities to perform in an interview or test in order to receive employment accommodation.
3. Communicate the offer of accommodation to all applicants at the beginning of the selection process. Explain to the candidates the assessment methods and formats you will use. This is especially helpful for people with disabilities as it helps them identify whether they need an accommodation and the type of accommodation required for each stage of the assessment.
4. When an applicant makes a request for accommodation, consult with 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. Obtain as much information on the person's need as possible. Don't get into details about the disability unless you need to clarify the individual's needs. In most cases the candidate is the best source of information.
5. Any accommodations you make should not change the nature of the qualification you are assessing or the level at which you assess it. Design accommodations to allow for equitable assessment of candidates with accommodation needs without placing them at an advantage or disadvantage when comparing them to other candidates.
6. When making an offer of employment, let the individual know of the Municipality's commitment to providing accommodations in the workplace.

Workplace Accommodations

Accommodations will be provided to employees with disabilities during the duration of their employment with the Municipality of West Elgin. Workplace accommodation information will be provided to new employees as soon as practicable. Updated information will be provided to employees whenever there is a change to existing policies on the provision of job accommodations.

The Accommodations Policy and affiliated Procedures will be communicated to employees. Where an employee with a disability requests it, The Municipality shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for information that is needed in order to perform the employee's duties including information that is generally available to employees in the workplace. Employees will be assessed on an individual basis. Individual accommodation plans will be provided in a format that takes into account the employee's disability. Follow this process for employment accommodations after an offer of employment is made or for an existing employee:

1. Encourage employees to submit their request in writing. However, all forms of requests for accommodations will need to be addressed.
2. Ensure that the employee requesting the accommodation is involved in the development of an accommodation plan. A representative from a bargaining unit or other workplace representative can be present during this process at the request of the employee.
3. Once an accommodation is requested the Chief Administrative Officer (CAO) will request medical information from a physician advising of the need for the accommodation and direction on appropriate modifications and inform the employee of the steps taken to protect their privacy.
4. The CAO will consult with the individual, their Manager and a Health Care Practitioner on accommodation requirements and determine a suitable option.
5. Once the accommodation option has been determined, inform the employee and implement the accommodation as quickly as possible. The CAO will document accommodation plans and include:
 - a. Any information regarding accessible formats or communication supports
 - b. Individualized workplace and emergency response information, if necessary
 - c. The frequency in which the individual accommodation plan will be reviewed and updated and the manner in which it will be done
 - d. Any other accommodation that is to be provided.
6. Determine, with the employee on how often the accommodation plan will be reviewed.
7. If an accommodation is denied, the CAO will inform that employee of the reason for denial.
8. Ask the employee if alternate communication formats are required for the accommodation process and plan.