

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page:</b> 1 of 6                                  |  |

## **Equal Opportunity (Accommodation)**

### *Equal Opportunity*

- 1) HRPA is committed to maintaining equal opportunity in employment, recognizing its obligations and responsibilities as an employer and leader in the community.
- 2) HRPA is committed to promoting a positive and inclusive environment for all individuals regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, record of offences, sex (including pregnancy and breastfeeding) and sexual orientation.
- 3) We will make decisions on hiring, promotion, rewards and other resource issues based on merit. Merit includes a person's qualifications, ability and performance.

### *Accommodation*

- 1) Accommodation is provided in accordance with the principles of dignity, individualization and inclusion. HRPA works cooperatively, and in a spirit of respect, with all partners in the accommodation process.
- 2) The purpose of this policy is to:
  - Ensure that all members of the organization are aware of their rights and responsibilities under the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act, 2005* with respect to accommodation;

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page:</b> 2 of 6                                  |  |

- Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties in the accommodation process.
  - Recognize that accommodation is an employee’s right. (To the extent that it does not legally cause or impose undue hardship to HRPA.)
- 3) This policy, along with the HRPA’s *Integrated Accessibility Standard Policy* B-4.4, also applies to individuals who are applying for employment with the organization. It applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence.
- 4) Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:
- The Code ground or reason with respect to which accommodation is being requested;
  - The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation; and
  - The specific needs related to the Code ground or reason and documentation in support of the need for accommodation (e.g., medical notes).
    - According to the Ontario Human Rights Commission, in order to support an accommodation request, medical information should include the following:
      - That the person has a disability;
      - The limitations or needs associated with the disability;
      - Whether the person can perform the essential duties or requirements of the job, with or without accommodation;
      - The type of accommodation(s) that may be needed to allow a person to fulfill
        - the essential duties or requirements of the job; and
        - Regular updates about when a person expects to return to work if they are on leave or when the accommodation may no longer be required.
- 5) HRPA commits to provide accommodation for needs related to the grounds of the Ontario Human Rights Code, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission’s Policy on Disability and the Duty to Accommodate. All

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page:</b> 3 of 6                                  |  |

accommodation requests are taken seriously. No person will be penalized for making an accommodation request.

- 6) Employees are expected to take responsibility for their own accommodation needs and to work with HRP A to explore possible solutions and options while following the accommodation process detailed in this policy.
- 7) Employees returning to work after a medical or accident leave in excess of one month will need to provide written confirmation from their medical practitioner approving their return to work (RTW). If the RTW requires accommodated/graduated hours of work and/or other accommodations, the process detailed in this policy will be followed. The return to work process will be documented in accordance with the requirements under the HRP A Integrated Accessibility Standards Policy, B-4.4 and AODA.
- 8) An accommodation seeker's manager or HR may require further information related to an accommodation request, in the following circumstances:
  - Where the accommodation request does not clearly indicate a need related to a Code ground;
  - Where further information related to the accommodation seeker's limitations or restrictions is required in order to determine an appropriate accommodation;
  - Where there is a demonstrable objective reason to question the legitimacy of the request for accommodation.
  - Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice. Any costs associated with obtaining such expert advice will be borne by HRP A.
- 9) Failure to respond to such requests for information may delay the provision of accommodation. The senior HR representative will confidentially maintain information related to:
  - The accommodation request;

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page: 4 of 6</b>                                  |  |

- Any documentation provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored; and
- Any accommodations provided.

10) This information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with those persons who need the information. HRP A will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the accommodation seeker.

11) Accommodation requests will be dealt with promptly. Where circumstances warrant, we may provide interim accommodation while long-term solutions are developed. The manager, the person requesting accommodation, HR and, where appropriate, any necessary experts will work together cooperatively to develop an individual Accommodation Plan for the accommodation seeker. The individual Accommodation Plan, when agreed upon, will be put in writing, and signed by the individual requesting accommodation, the responsible manager and the senior HR representative.

12) An individual Accommodation Plan may include the following:

- A statement of the accommodation seeker's relevant limitations and needs, including any necessary assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports;
- Arrangements for necessary assessments by experts or professionals;
- Identification of the most appropriate accommodation short of undue hardship;
- A statement of annual goals, and specific steps to be taken to meet them;
- Clear timelines for the provision of identified accommodations;
- Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary; and

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page:</b> 5 of 6                                  |  |

- An accountability mechanism.

**13)** The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include:

- Work station adjustments
- Job redesign
- Modifications to organizational policies and practices
- Technical aids
- Human support
- Provision of materials in alternative formats
- Changes to a workstation
- Counselling and referral services
- Temporary or permanent alternative work
- Modification of performance standards
- Leaves of absence
- Changes to scheduling or hours of work

**14)** This list is not exhaustive. The responsible manager and the person receiving accommodation will monitor the success of the Accommodation Plan and will promptly address any deficiencies or any relevant changes in the workplace or the employee's needs.

**15)** HRP will select the accommodation method that is least disruptive to our business and balances the needs of all employees. Where multiple alternatives exist, we may choose the most cost effective approach.

|  |  |
|--|--|
| <b>Section:</b> Employee Management                  | <b>Policy Number:</b> B-4.1                            |
| <b>Sub-section:</b> Human Rights                     | <b>Effective Date:</b> January 1, 2014                 |
| <b>Subject:</b> Equal Opportunity<br>(Accommodation) | <b>Revision Date:</b> October 18, 2016<br>June 1, 2017 |
| <b>Page:</b> 6 of 6                                  |  |

- 16) Accommodation will be provided to the point of undue hardship. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding and health and safety. A determination that an accommodation will create undue hardship may only be made by the Chief Executive Officer of HRP A and generally with the concurrence of legal counsel.
- 17) Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and any objective evidence available. The accommodation seeker will be informed of his or her recourse under this policy and under the Ontario Human Rights Code. HRP A will proceed to implement the next best accommodation short of undue hardship or will consider phasing in the requested accommodation.