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| <b>Topic:</b>           | <b>Individual Work Accommodation (Medical)</b>  |
| <b>Effective:</b>       | <b>December 2017</b>  |
| <b>Cross-Reference:</b> | <b>Halton District School Board Administrative Procedures – Attendance Management and Support Program; Disability Management and Support Program; Confidentiality of Medical Records; Recruitment Accommodation Accessibility for Ontarians with Disabilities Act (AODA); Personal Health Information Protection Act; Employment Equity Act; Occupational Health and Safety Act; Workplace Safety and Insurance Act; Ontario Human Rights Code; Municipal Freedom of Information and Protection of Personal Privacy Act Halton District School Board Administrative Procedures: Procurement; Travel and Expense Reimbursement</b> |
| <b>Revision Date:</b>   | <b>January 2018, December 2019</b>  |
| <b>Review Date:</b>     | <b>January 2023</b>   |
| <b>Responsibility:</b>  | <b>Executive Officer, Human Resources</b>   |

**INTENDED PURPOSE:**

The Halton District School Board is committed to the duty to accommodate. The need for accommodation will be evaluated for employees who have a temporary or permanent disability, or who otherwise need accommodation based on the protected grounds highlighted in the Ontario Human Rights Code. All employees must be able to perform the essential duties of the job with or without accommodation. Accommodations may be implemented to enable employees to fulfill essential job duties and to enable individuals to equally access recruitment and selection processes. The Board will endeavor to provide individual work accommodation plans in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Human Rights Code (OHRC).

**PROCEDURE:****1. Definitions:**

- 1.1. *Accommodation*: Reasonable change or adjustment to an employee's work, workplace environment or both to enable the employee to productively perform the essential duties of an existing job in a healthy and safe manner. *Accommodation at work* refers to using all reasonable efforts to prevent and remove barriers that impede individuals with disabilities from participating fully as employees of the Board.
- 1.2. *Barrier*: anything that prevents a person with a disability from fully participating in all aspects of the workplace because of their disability. This may include, but is not limited to: a physical barrier, an architectural barrier, information or communications barrier, an attitudinal barrier, a technological barrier, a policy, procedure or a practice.
- 1.3. *Disability*: Covers a broad range and degree of conditions. *The Ontario Human Rights Code* defines disability 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 coordination, blindness or visual impairment, deafness or hearing impairment, 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 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 definition includes disabilities of different severity, visible as well as non-visible disabilities, and disabilities the effects of which may come and go.

1.4. *Undue Hardship*: The extent to which an employer must accommodate the needs of an employee on grounds protected under the *Ontario Human Rights Code*. The Board must take all reasonable steps to ensure that an employee can be accommodated within the workplace; however in some very limited cases the Board may not be obligated to provide accommodation. The *Code* sets out three elements that may be considered in assessing whether an accommodation would cause undue hardship:

- cost
- outside sources of funding, if any
- health and safety requirements, if any

1.5. *Board*: means the Halton District School Board (HDSB).

1.6. *Essential Duties*: The essential duties are the fundamental duties that an employee must be able to perform with or without reasonable accommodations.

1.7. *Functional Abilities*: means an assessed level of an employee's abilities based on physical, psychological, physiological or anatomical condition of the employee, as determined by a qualified *healthcare professional*.

1.8. *Health Care Professional*: means a healthcare provider regulated under the *Regulated Health Professionals Act* including, but not limited to physician, specialist or surgeon, chiropractor, physiotherapist, occupational therapist, psychologist, audiologist and dentist

1.9. *Accommodation Plan*: means a written plan developed cooperatively by the employer and the employee who is seeking accommodation(s) that specifies any physical and/or cognitive restrictions associated with the disability, and the nature of any accommodation(s) or modification(s) that will be put in place at the employee's work site, or in the work itself. This process will ensure:

- a) Respect, dignity and confidentiality of the employee;
- b) Right to accommodation is an integral component of the right to equality, free from discrimination in accordance with Employment Equity.

**c) Individualized accommodation based on the employee's physical and/or cognitive restrictions**

1.10. *Individual Assessment*: Accommodation is assessed on an individual basis for employees and job applicants who make their needs known, or, in cases where there is reason to believe an accommodation for an employee may be required and, will include but is not limited to the frequency of absences.

1.11. *Supervisor*: any employee who is responsible for the work of another employee, including, but not limited to, supervisory officers, principals and managers.

## 2. RESPONSIBILITY

The Board will ensure all processes address individual accommodation, confidentiality related to accommodation and adhere to all applicable legislation.

2.1 *Recruitment and Staffing* will:

- a) Ensure applicants are aware accommodations are available throughout the selection Process.
- b) Consult with any applicant who requests accommodation in a manner that takes into account the applicant's disability.
- c) Request equipment or communication format to provide accessible accommodation(s) for a job applicant.

- d) Ensure all newly hired employees are aware of the Board's Individual Work Accommodation Administrative Procedure, the AP will be highlighted during the new employee orientation session once a written job offer has been made.

## 2.2 *Employee Health and Wellness will:*

- a) Maintain accommodation procedure that can be used to develop individual employee accommodation plans for existing employees, as required.
- b) In consultation with principals/managers/supervisors/HR Managers, as necessary, coordinate the accommodation process including the development, implementation and monitoring of the accommodation. This may include: referral to third parties with specialized expertise, temporary or permanent changes to a position to include adaptation or adjustments.
- c) Provide support to the employee and the supervisor.
- d) Liaise where appropriate with representatives (e.g., union), Workplace Safety and Insurance Board (WSIB), Long-term disability (LTD) provider and any other relevant, applicable and appropriate internal and/or external stakeholder.
- e) Communicate in writing, to the employee, the reason for the decline of the accommodation request, if applicable.

## 2.3 *Supervisor will:*

- a) Identify if there is reason to believe there is an accommodation need, or initiate action in a timely manner on the request of an employee for accommodation.
- b) Ensure employees are aware of the Board's Individual Work Accommodation Procedure as necessary.
- c) Refer any employee who may be a candidate for accommodation, disability management or attendance support to Employee Health and Wellness.
- d) Actively participate, support and cooperate with Employee Health and Wellness and/or Human Resources as necessary, in the development and implementation of accommodation for employees with disabilities assigned to work in their school or department adhering to all applicable legislation.
- e) Consider existing accommodation(s) when assessing work performance; and,
- f) Advise the incoming supervisor of the existence of an accommodation plan for a staff member when leaving the current work location or department.

## 2.4 *Employee will:*

- a) Inform supervisor and/or Employee Health and Wellness of their need for Accommodation.
- b) Identify any known accommodation and cooperate with reasonable requests for evidence to confirm a need for reasonable accommodation.
- c) Provide sufficient information upon request to assist in the assessment, consideration and implementation of the accommodation. This may include periodic updated medical information.
- d) Obtain medical aid immediately and engage in medical rehabilitation and/or treatment that can be expected to assist in a timely return to work, recruitment and selection process, training, promotion, performance appraisal, work tasks and responsibilities and any other condition(s) of employment where the need for accommodation may be identified.
- e) Participate and cooperate in the development of the accommodation.
- f) Share the accommodation plan with a new supervisor in the current work location or department, or when transferring to a new work location or department.
- g) Provide Employee Health and Wellness with any change in medical status, condition(s) that may impact attendance at work and/or the Accommodation Plan.
- h) Communicate with Employee Health and Wellness when there are changes to workplace duties, environment, and/or location, which could impact an employee's current accommodation(s).

### 3. PROCEDURES

#### General Requirements

- 3.1 The Board will make every reasonable effort, to the point of undue hardship, to accommodate employees with disabilities by modifying the work and/or workplace to meet an employee's medically-supported needs related to a disability. Cooperation and active participation by the employee is required and essential to the success of any program.

#### Requesting Accommodation

- 3.2 A copy of this procedure will be provided upon acceptance of employment. Employees will be shown how to access this procedure electronically during the employee orientation process.
- 3.3 Upon acceptance of employment, new employees will notify Recruitment and Staffing of a requirement for accommodations related to a disability. **Recruitment and Staffing will direct the employee to Employee Health and Wellness.**
- 3.4 Current employees will report promptly to their supervisor and/or Employee Health and Wellness, all injuries, illnesses and/or accommodation requirements that may interfere with the employee's ability to attend work, return to work, or perform the full range of their duties.
- 3.5 The decline of a specifically identified accommodation request will be communicated to an employee in writing by the Employee Health and Wellness Department.

#### Development of an Accommodation Plan

- 3.6 Employees seeking assistance through the Disability Management Program will be identified based on information received from the employee, the employee's supervisor, treating health care professionals and, where appropriate, representatives of the Workplace Safety and Insurance Board (WSIB) and Long-term disability (LTD) providers.
- 3.7 Employees who are requesting an accommodation will provide sufficient medical documentation, as determined by the Employee Health and Wellness Department, from the appropriate qualified treating health care professional.
- 3.8 At the discretion of Employee Health and Wellness, employees may be required to participate in a Functional Abilities Evaluation (FAE), a doctor to doctor evaluation, and/or an Independent Medical Evaluation (IME), conducted by a third party qualified healthcare professional, to identify limitations and/or restrictions and to assist in the development of an accommodation plan. A job description or demands analysis, if available, may be provided to the healthcare professional for review. Where functional abilities information is not available, the WSIB Standard Precautions may be used as a guide for developing an appropriate return to work plan.
- 3.9 The accommodation plan will be developed by Employee Health and Wellness in consultation with the employee and the employee's supervisor (may include HR Manager involvement) and union/employee group representative (if employee chooses). The development of the plan could include third parties such as a WSIB Return to Work Specialist and/or a LTDI Rehabilitation Consultant.
- 3.10 The accommodation plan will be based on the employee's functional/cognitive abilities and objective medically supported limitations, if required. An accommodation plan may include, but is not limited to, some or all of the following accommodations:
- a) reduced or modified work hours;
  - b) modification of duties,
  - c) workplace modification,
  - d) removal of identified barriers,
  - e) reassignment to another available position if the employee has the necessary skills and
  - f) abilities to perform the essential duties of the new position.

- 3.11 The accommodation plan may include the following information:
- a) the names of the parties involved in the development of the plan,
  - b) the duration of the plan, where applicable,
  - c) essential duties and tasks of the job,
  - d) specific physical requirements or limitations and/or functional/cognitive abilities and limitations and/or restrictions of the employee, as outlined in medical documentation, including the date of relevant medical information,
  - e) work schedule and location(s),
  - f) follow-up review date(s) if applicable,
  - g) schedule for graduated hour's worked and/or gradual return to work assigned, as applicable,
  - h) expected date for completion of the plan, if applicable,
  - i) signatures of the employee, Employee Health and Wellness or designate, supervisor, and if applicable union/employee group representative,
  - j) reasons for decline of an identified accommodation.
- 3.12 Hierarchy of Permanent Work Accommodation: The following applies to permanent work accommodations:
- Own position with or without accommodation
  - Vacant position in same location/department and same union/association
  - Vacant position in same union but different location/department
  - Vacant position in same location/department but different union/association
  - Vacant position in different location/department and different union/association
- 3.13 In the case of a minor work-related injury that has resulted in temporary disability, and in consultation with Employee Health and Wellness, the supervisor will discuss, develop and implement a temporary accommodation plan with the employee.
- 3.14 A copy of the written accommodation plan will be distributed to all relevant parties, including the employee and the employee's immediate supervisor, and, where applicable, the WSIB, union representative, **LTD** representative and the employee's appropriate treating health professional.

Implementation of the Accommodation Plan

- 3.15 The employee's work and/or workplace will be modified as set in the accommodation plan prior to the employee's return to work unless otherwise stated in the plan outlining the reason. Modifications may include, but are not limited to the following:
- a) assigning appropriate work and/or duties in accordance with the accommodation plan, b) modifying the physical environment to remove barriers, as per the accommodation plan.
- 3.16 The employee's co-workers may be required to assist in an accommodation where and as appropriate.
- 3.17 The employee and the employee's supervisor will comply with the restrictions and conditions set out in the accommodation plan and ensure that no tasks are being performed other than those in accordance with the employee's written accommodation plan.
- 3.18 The employee will share the accommodation plan with their new supervisor upon transfer to a new work location or department.