



BOARD ADMINISTRATIVE PROCEDURE	
Administrative Procedure <b>Workplace Accommodation</b>	Administrative Procedure Number <b>503</b>
Directional Policy <b>500 - Employee Relations</b>	

**Title of Administrative Procedure:**

Workplace Accommodation

**Date Approved:**

October 17, 2023

**Projected Review Date:**

2028

**Directional Policy Alignment:**

Employee Relations

**Alignment with Multi-Year Strategic Plan:**

The Board values and respects all individuals and is committed to providing an equitable workplace that supports accessibility, diversity and the equitable treatment of all current and prospective employees. The Workplace Accommodation Administrative Procedure endeavours to keep employees with a disability in the workplace and assist in the return to work of employees who cannot perform the full scope of their duties, permanently or temporarily.

[PVNCCDSB Board Vision, Mission and Strategic Priorities](#)

**Action Required:**

**1.0 Background**

All employees will be treated with fairness, consistency, respect and compassion. The Board's Workplace Accommodation Administrative Procedure is an integrated partnership between employees, supervisors/administrators, union representatives, and health care providers that support employees who are unable to perform their regular duties because of a disability.

The Board acknowledges and understands the obligation of an employer to take steps to eliminate the disadvantage caused by systemic, attitudinal, or physical barriers that unfairly exclude individuals or groups protected under the Ontario Human Rights Code (OHRC).

Participation in the Workplace Accommodation Administrative Procedure is a requirement for all employees of the Board.

## **2.0 Process for Workplace Accommodation**

Each person with a disability will be considered individually, on a case-by-case basis, in order to determine workplace accommodation requirements. Workplace accommodation will be determined in consideration of factors such as, but not limited to: available work, the employee's functional abilities and modifications to the work environment/assignment that will enable the employee to perform the essential duties of their role.

The workplace accommodation process includes the following phases:

### ***Phase 1 - Recognize the Need for Accommodation:***

The need for accommodation can be:

- Requested by the employee, in writing, to the Board's Wellness Coordinator or designate. This may be related to an employee requiring an accommodation because of a disability or an employee returning to work following a disability;
- If a Principal/Supervisor becomes aware, or ought reasonably to be aware, of a disability for which accommodation may be required; where the Board's Duty to Inquire is invoked, per the OHRC.
- Identified by the employee's Principal/Supervisor or Board employees involved in the recruitment process;
- Requested by a prospective employee to the Board employee coordinating the recruitment process.

Employees who are a member of a union will be made aware of their right to representation during the accommodation process. In some cases, a Union Representative is required:

- When an employee requests the union's involvement;
- When the union has participated in creating a policy or rule which results in a barrier to accommodation;
- When the union's agreement is necessary to facilitate accommodation (by alleviating the application of a term of the collective agreement).

When a Union Representative is participating in the accommodation process they take an active role as a partner in the accommodation process and share joint responsibility with the employer to facilitate accommodations in accordance with the Ontario Human Rights Code (OHRC) and the Accessibility for Ontarians with Disabilities Act (AODA).

***Phase 2 - Duty to Inform, Gather Relevant Information and Assess Needs:***

The Board will accept the employee's or prospective employee's request for accommodation in good faith, unless there are legitimate reasons for requiring additional information from a health care professional who can speak to the disability and disability needs as they relate to employment.

In cases where the Board requires additional documentation from a health care professional, the Board may request this information directly from the employee or the prospective employee, or may request an evaluation by an outside third party expert (per relevant Collective Agreements and Terms & Conditions), at the Board's expense in order to assist in determining how the accommodation can be achieved.

The duty to inform requires the employee or prospective employee to cooperate in answering questions or providing information regarding the relevant restrictions or limitations (as stated in the OHRC), including information from a Health Care Professional where appropriate and as needed. The employee or prospective employee is not required to disclose specific information about their disability such as diagnosis.

Medical or other documentation relating to the employee's disability will be provided to the Board's Wellness Coordinator or designate. This information is kept in a file which is kept separate from their personnel file and is secured within the Disability Management office

***Phase 3 - Formalizing an Individual Accommodation Plan (IAP) / Return to Work Plan (RTWP):***

The employee and Wellness Coordinator or designate will work together to identify the appropriate workplace accommodation, in consultation with the Supervisor/Principal, Human Resource Services, the Union Representative (if applicable) or other relevant stakeholders.

Once the appropriate accommodation has been identified, the accommodation details will be formally documented using the IAP or RTWP.

In accordance with the AODA O. Reg. 191/11, s. 28 (3), individual accommodation plans must be documented and must include:

- How the Board will provide workplace information in an accessible format, if requested;
- How the Board will provide accessible emergency information, if needed;

- Any other accommodation that is to be provided. The accommodation plan is provided to the employee in a format respecting any accessibility needs, as appropriate.

The Wellness Coordinator or designate will be responsible for leading the accommodation process and formalizing the IAP or RTWP. A copy of the IAP/RTWP will be provided to the employee, Principal/Supervisor, and Union Representative (if required/applicable). Feedback will be considered and discussed as necessary. Any of the stakeholders involved in the workplace accommodation process may request a meeting to discuss the IAP / RTWP. The Board may require a meeting before an IAP / RTWP begins.

***Phase 4 - Monitoring and Reviewing the Individual Accommodation Plan:***

The employee and Principal/Supervisor will monitor the IAP / RTWP to ensure it is meeting the employee's needs. The Wellness Coordinator or designate will ensure the IAP / RTWP is reviewed on a regular basis.

An employee may request that an IAP / RTWP be reviewed or updated if changes to the workplace accommodation(s) are required due to changes in the employee's accessibility needs, due to disability.

When an employee's work location changes, the employee's new supervisor will be made aware of the IAP / RTWP by the employee. If a meeting is necessary to discuss the Work Accommodation the Wellness Coordinator will be advised and will schedule a meeting accordingly with necessary stakeholders, including union representatives if applicable.

Any updates or reviews to the IAP / RTWP will be provided to the employee in a format that takes into consideration the employee's accessibility needs, due to disability.

Where an employee does not feel that the accommodation supports their restrictions and limitations, or where there has been a change in their functional abilities a review can be undertaken by the Wellness Coordinator or designate. The employee may be requested to provide additional medical documentation which further clarifies their functional abilities.

***Phase 5 - Inability to Provide Workplace Accommodation:***

The workplace accommodation process is a partnership between employees, the Board, and union partners, however, the final decision(s) regarding accommodation remains the responsibility of the Board.

If an accommodation need meets the threshold of undue hardship, the employee will be provided with a rationale in an accessible format.

### **3.0 Equipment**

An employee may require certain equipment as part of their accommodation needs. The Board may require medical documentation to support these requests in some cases.

The Wellness Coordinator or designate will review options and decide on which equipment meets the employee's needs in a cost effective way. All equipment purchases are coordinated by the Wellness Coordinator or designate and approved by the Manager of Human Resource Services.

Any equipment purchased for a workplace accommodation remains property of the Board.

### **Responsibilities:**

#### **The Board of Trustees is responsible for:**

- Ensuring alignment with the Employee Relations Directional Policy;
- Reviewing the Workplace Accommodation Administrative Procedure as part of its regular policy and procedures review cycle.

#### **The Director of Education is responsible for:**

- Designating resources for ensuring the implementation of and compliance with this Administrative Procedure.

#### **Superintendents are responsible for:**

- Ensuring Principals/Supervisors are consistent with the application of this Administrative Procedure;
- Ensuring that any employee for whom they have supervisory responsibility are aware of the requirements under this Administrative Procedure and that employees follow the requirement for workplace accommodation.

#### **Principals, Vice-Principals, Managers and Supervisors are responsible for:**

- Ensuring staff who they supervise are aware of the requirements under this Administrative Procedure;
- Participating in the Workplace Accommodation process including but not limited to attending meetings, providing feedback on IAPs / RTWPs, and ensuring workplace accommodations are being met;
- Contacting the Wellness Coordinator to initiate the Duty to Inquire if they notice or suspect that an employee may have a medical condition which is impacting their performance at work, including with respect to Fitness for Duty (refer to AP 811 - Fitness for Duty & Substance Use).

#### **The Wellness Coordinator or designate is responsible for:**

- Responding to workplace accommodation requests in a timely manner;
- Collecting and assessing information on functional abilities as well as limitations & restrictions in an effort to identify the appropriate workplace accommodation;
- Evaluating and identifying any workplace barriers and providing strategies to resolve workplace barriers;

- Attempting to provide suitable employment that is available and consistent with the worker's functional abilities;
- Communicating with the Board, union and supervisor such information as the Board may request concerning the employee's workplace accommodation;
- Facilitating the purchase of equipment required for workplace accommodation.

**Staff are responsible for:**

- Informing the Wellness Coordinator or designate of any accommodation requirement;
- Collaborating with the Board to identify the appropriate workplace accommodation;
- Sharing information regarding their disability needs when they are pertinent to identifying the most appropriate, reasonable and necessary accommodation;
- Accepting reasonable accommodation, based on their restrictions and limitations.

**Progress Indicators:**

- PVNCCDSB will achieve a culture and work environment that is supportive of employees with disabilities and promotes dignity, independence, integration, and equal opportunity;
- This administrative procedure will comply with all applicable legislation, collective agreement provisions and Board policy and will be consistent with principles of confidentiality and shared responsibility.

**Definitions:**

- **Accommodation** - Any modification to the work or the workplace, including but not limited to reduced hours, reduced productivity requirements, and/or the provision of assistive devices, that results in work becoming available that is consistent with the worker's functional abilities and that respects applicable human rights legislation.
- **Disability** - As per the Ontario Human Rights Code, a disability is defined as any of the following:
  - Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, including, but not limited to, diabetes, mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, 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.
  - A condition of mental impairment or a developmental disability.
  - A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.
  - A mental disorder.
  - An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

- **Duty to Accommodate** - The obligation of an employer to take steps to eliminate the disadvantage caused by systemic, attitudinal, or physical barriers that unfairly exclude individuals or groups protected under the Ontario Human Rights Code.
- **Undue Hardship** - The point at which an employer is not legally required to accommodate an employee's particular needs, as the action would impose significant strain or risk to the operation of the business. The Ontario Human Rights Commission prescribes three considerations in assessing whether an accommodation could cause undue hardship: cost, outside source of funding, and health and safety considerations. Budgetary restrictions cannot be assumed to be a barrier to accommodation, and therefore cannot be presumed to be the point of undue hardship.

### References:

[OECTA Medical Certificate](#)

[CUPE Medical Certificate](#)

[Admin Medical Certificate](#)

[AP 506 - Reporting Absences](#)

[AP 507 - Disability Management](#)