



POLICY AND PROCEDURE MANUAL

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Subject: 4.03 ACCOMMODATION FOR EMPLOYEES WITH DISABILITES		

Policy

Anago is committed to providing an accessible working, learning and living environment by providing barrier-free employment, services and supports at all sites. The organization is also committed to ensuring that its policies, practices and procedures for the provision of services are consistent with the principles of dignity, independence, integration and equal opportunity.

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, *Ontario Human Rights Code* and Anago's Accessibility Standards for Customer Service (AODA) policy, Anago will proactively seek to accommodate job candidates and employees by removing barriers that limit, restrict or prevent them from participating fully and equally in the recruitment process and in the workplace because of disabilities.

Definitions

“Alternative format” shall mean any other ways of publishing information beyond traditional printing (i.e. large print, audio format, etc.).

“Barrier” shall mean anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, an architectural barrier, information or communications barriers, an attitudinal barrier, a technological barrier, a policy or a practice.

“Disabilities” shall mean the same as the definition of disability found in the *Ontario Human Rights Code*:

- (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*.



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“Employees” shall mean every person who deals with members of the public or other third parties on behalf of Anago, whether the person does so as an employee, agent, volunteer or otherwise.

“Reasonable Accommodation” shall mean 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 policy, “reasonable accommodation” and “accommodation” are used interchangeably.

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

Procedure

The Accommodation for Employees with Disabilities policy is available at all Anago sites, is on the Anago shared drive and website and is provided to employees during the orientation process. The policy is reviewed annually and alternative formats of this policy will be made available if required and as requested.

Anago is committed to providing reasonable accommodations on an individualized basis for individuals who are impeded from fully accessing the workplace or performing the essential requirements of their work because of disabilities. All accommodations will be provided to the point of undue hardship.

Accommodation Requests and Return to Work Process

Any candidate or employee may request accommodation at any time. All accommodation requests are to be brought to the attention of Human Resources by submitting an Accommodation Request Form (HR 209). If requested, the employee may provide their accommodation request in an alternative format that takes into account their accommodation needs.

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. Supervisors and employees are both responsible for cooperating with the employee's accommodation and/or return to work. A collaborative meeting will be held with the Employee, Supervisor, Human Resources and the Union.

For employees 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



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the employee returning to the workplace. This process is outlined in the Employee Incident/Injury and Early and Safe Return to Work (ESRTW) Policy 12 17.

Medical Documentation

Medical documentation must be provided by the employee which clearly confirms that the employee has a disability that interferes in their ability to do their job or otherwise participate fully in the workplace, outlines the specific functional abilities, limitations or restrictions that need to be accommodated, anticipated duration of the accommodation and prognosis for a safe return to work (if applicable).

Human Resources will review the medical documentation and will only communicate non-confidential information (i.e. functional abilities, limitations or restrictions, prognosis, anticipated duration of accommodation) to the employee's Supervisor. No confidential information (i.e. diagnosis, treatment plan, name/specialty of the health care professional) will be shared without prior written consent of the employee, except 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. All medical documentation will be stored with Human Resources in a strictly confidential manner and treated in accordance with the policy provisions for employee privacy and confidentiality.

Individual Accommodation Plan (IAP)

An Individual Accommodation Plan (IAP) (HR 210) will be developed for the purpose of implementing the required accommodation and/or facilitating the return to work process for employees with disabilities. The IAP defines and addresses any barriers in order to identify appropriate accommodation measures and outlines the nature of the accommodation and the measures agreed upon.

All possible and reasonable accommodation measures will be explored. The accommodation measures selected to be included in the IAP must be the measures that most respect the dignity of the employee while achieving the goal of providing the employee with reasonable accommodation. No accommodation measure need be selected which creates undue hardship.

Anago is not required to create a new position for the employee. The accommodation process and IAP are designed to assist the employee in performing their current position. However, in some cases, the employee may be assigned a temporary position pending resolution of their disability to the point where they are able to return to their position, with or without accommodation.

The Supervisor, with cooperation from the employee, is responsible for ensuring that the measures outlined in the IAP are implemented. Human Resources can assist with these measures where required. The IAP will be provided in an alternate format, if requested.



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Follow Up

Human Resources and/or the Supervisor must conduct ongoing monitoring and reassessment of the IAP during the period of accommodation. Regular, documented accommodation meetings shall occur throughout the period of the accommodation. The IAP shall be reviewed or revised if the restrictions or limitations have changed or if updated medical documentation is received. Human Resources may request updated medical information on a periodic basis to support ongoing accommodations.

For long-term accommodation plans, the IAP shall be reviewed at least annually or based on any of the following conditions:

- Accommodation requirements change
- Transfer to a different work site
- Job responsibilities change

Denial of Request

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 an alternate format upon request. The denial of an accommodation request may be appealed, in writing, within ten (10) working days to the Executive Director or designate. The Executive Director 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.

Reference: *Accessibility for Ontarians with Disabilities Act, 2005, Ontario Human Rights*

Code

Authorized by: 
Executive Director

Date: May 2017