

THOROLD BUSINESS IMPROVEMENT AREA ASSOCIATION  
POLICY AND PROCEDURE MANUAL

GOVERNANCE		
APPENDIX "A" TO POLICY NO: 100-04 REVISED: Feb 22, 2018	ACCOMMODATION PROCEDURE	PAGE 1 OF 5

**ACCOMMODATION PROCEDURE**

**PURPOSE**

This document outlines the procedure for managing accommodation requests and Accommodation Plans of employees with disabilities in keeping with the Ontario Human Rights Code ("the Code"), the Integrated Accessibility Regulation (O. Reg. 191/11). The accommodation procedure is a shared responsibility among all involved parties (i.e. the employee, the BIA). Everyone involved should cooperatively engage in the process, share relevant information, and work together towards accommodation solutions in which the accommodation needs of the employees are respected and satisfied, to the extent possible.

**DEFINITION OF ACCOMMODATION**

Accommodation means any job modification or change to existing methods, equipment, systems, hours of work, work locations, workflow or processes which enables the employee to fulfill the essential duties of the job, in a manner that is respectful of their right to full and productive participation in the workplace, to the point of undue hardship with respect to the issues of health, safety and cost to the organization.

**TIMELINES**

To the extent possible, the BIA is committed to meeting the timelines identified in this procedure, however, such timelines may not be attainable when extenuating circumstances arise.

**CONFIDENTIALITY**

Employees making accommodation requests have the right to expect that their circumstances will be kept confidential to the extent possible.

During the development of the Accommodation Plan, supporting documentation will only be shared with those individuals involved in the development and/or revision(s) of the Plan.

The Accommodation Plan will only be shared with those responsible for implementing the Plan. All records of an accommodation request, including all relevant supporting documentation and closed files will be stored in a confidential filing system that is separate

and distinct from the employee's Human Resources file. Such information will only be used for accommodation purposes and will only be accessible to the employee, the employee's supervisor and the designated Human Resources/Health and Safety staff who are required to be involved in the accommodation process.

Responsibilities of Employee and Employer in the Accommodation Process are outlined in the BIA's Accommodation Policy.

## **ACCOMMODATION PROCEDURE**

### **STEP 1: ACCOMMODATION REQUEST**

1. The employee shall report/request the need for accommodation to the Chair.
2. The request will be made in writing or, in any other format deemed accessible to the employee and should include:
  1. The *Code* grounds for accommodation (i.e. race, religion, disability, etc.); and
  2. The reason why the accommodation is required, including documented medical information to confirm the existence of the need for accommodation.
3. All accommodation requests will be taken seriously and dealt with in a timely manner. Accommodation requests pertaining to more than one of the prohibited grounds which are not related will be considered, assessed and accommodated individually.
4. Employees may choose to have a representative present at any meetings regarding accommodation. It is the responsibility of the employee to request and arrange for a representative to be in attendance. The representative is required to maintain confidentiality regarding all stages of the accommodation process.
5. The Chair is to acknowledge receipt of the request for accommodation within three (3) business days.
6. The Chair shall meet with the employee making the request and provide a copy of the Accommodation Plan template. The Chair will review the Plan with the employee and respond to any questions regarding the Accommodation Planning process.
7. The Chair will make any request for supporting documentation, if required, in writing and to the extent possible, within five (5) days, exclusive of weekends and statutory holidays.
8. The Accommodation Needs Assessment and all related accommodation planning documentation will be made available in alternative formats and accessible communication supports upon request. Communication with any employee requesting accommodation shall take into account the employee's accessibility needs.

### **PROVISION OF INFORMATION**

The parties to the accommodation process must share information about accommodation needs and potential solutions. In some cases, it may be necessary to obtain expert opinions or information (e.g. medical documentation) in order to confirm the need for accommodation or to determine appropriate accommodations.

The form should clearly state the manner by which an evaluation by an outside medical or other expert will be requested. The individual making the accommodation request is expected

to cooperate in obtaining such opinions/information.

Further information related to the accommodation request, may be required in the following circumstances:

- Where the accommodation request does not clearly indicate a need to an accepted ground under the *Code*;
- Where further information related to the employee'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.

Failure to respond to such requests for information may delay the process of accommodation.

Communication with any employee requesting accommodation shall take into account the employee's accessibility needs.

## **STAGE 2: ACCOMMODATION PLANING**

The accommodation process is a shared responsibility and everyone involved must work together cooperatively, share information and avail themselves of potential accommodation solutions.

1. Accommodation requests shall be dealt with in a timely manner. Where necessary and possible, interim accommodations will be provided to the point of undue hardship while long-term solutions are explored.
2. Any accommodation requests involving the Workplace Safety and Insurance Board (WSIB) shall exhaust all possible avenues of the WSIB process prior to requesting any other accommodation.
3. An accommodation planning meeting shall take place between the employee, Chair, the employee's representative (as applicable), and any others required to be directly involved in the process. All parties shall work together cooperatively to develop an Accommodation Plan for the employee in accordance with the Accommodation Policy and/or health care practitioner's documentation.
4. The results of the accommodation planning meetings will be documented through an Individualized Accommodation Plan.
5. Several follow-up meetings may be required in order to achieve the desired result. Records of these meetings shall be kept by the Employer and copies will be provided to the Employee.

## **STAGE 3: SELECTION OF APPROPRIATE ACCOMMODATION**

Accommodation may take many forms. What works best for one may not work for another. Each employee's situation must be individually assessed. In each case, appropriate accommodation will be implemented in accordance with the intent of the *Code*.

1. Once the Accommodation Plan has been developed or revised, it will be set out in writing and signed by all the parties.
2. An Accommodation Plan may include the following:
  - A statement regarding the manner in which employee requesting accommodation was able to participate in development of accommodation plan including involvement of a representative from their bargaining agent, where applicable, or other representative from the workplace in the development of the accommodation plan.
  - The means of providing accommodation plan in a format that takes into account the employee's accessibility needs.
  - Any information regarding accessible formats and accessible communication supports provided.
  - Any relevant individualized workplace emergency response information.
  - Identification of appropriate accommodation, including position and duties to be performed, work location, name of supervisor, work schedule, attendance reporting, duration of accommodation (if known) and applicable pay rate.
  - A statement of the worker's limitations and needs, including any necessary assessments and information from experts or specialist, while respecting and upholding confidentiality of medical reports.
  - Arrangements for necessary assessments by experts or professionals.
  - A statement of goals and specific steps to be taken to meet them.
  - 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 (e.g. Updated medical documentation).
  - Specifics regarding the frequency with which the accommodation plan will be reviewed and updated and the manner in which it will be done.
  - A distribution list of those who are required to be made aware of the plan.

To the extent possible, the parties will endeavour to complete the Accommodation Plan within ten (10) days of receipt of the accommodation request or receipt of the supporting documentation, exclusive of weekends and statutory holidays.

## **UNDUE HARDSHIP**

If after fully considering the accommodation request and careful review of all potential solutions, the BIA determines that it is unable to provide accommodation as to do so will cause undue hardship, the BIA will clearly communicate, in writing, to all necessary parties, the reasons for the accommodation refusal.

The BIA's definition of undue hardship is consistent with the definition prescribed in the Ontario Human Rights Code. There are three considerations in assessing whether an accommodation would cause undue hardship:

- cost

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

Communication with any employee regarding the inability to provide accommodation due to undue hardship shall take into account the employee's accessibility needs.

#### **STAGE 4: MANAGING ACCOMMODATION PLAN/MONITORING ACCOMMODATION**

The parties shall monitor the success of the Accommodation Plan and shall address any deficiencies or relevant changes in a timely manner.