

THOROLD BUSINESS IMPROVEMENT AREA ASSOCIATION
POLICY AND PROCEDURE MANUAL

GOVERNANCE		
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ACCOMMODATION POLICY

PURPOSE OF POLICY

The BIA is committed to providing an environment that is inclusive and that is free from barriers as outlined in the Human Rights Code. [The “Code”]

The purpose of this policy is to ensure that workplace accommodations are offered and provided in accordance with the principles of dignity, individualism and inclusion. The BIA will work cooperatively and in the spirit of respect with all partners in the accommodation process and will provide such appropriate accommodations up to the point of undue hardship.

SCOPE

This policy and procedure apply to all employees, including full and part time, seasonal, temporary and contract staff.

PROHIBITED GROUNDS

The “Code” stipulates that every person has the right to equal treatment with respect to employment on the basis of: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, same sex partnership status, age, record of offences, marital status, family status, or disability.

The Integrated Accessibility Standards Employment Standards (O. Reg. 191/11) requires accessibility be incorporated in all stages of the employment cycle including within recruitment processes, screening and selection processes, employment offers and support, career development and training and transfers and reassignment.

DEFINITIONS

In accordance with “Code”:

“AGE” means an age that is 18 years or more

“DISABILITY” means;

- 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 and received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

“EQUAL” means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination;

“FAMILY STATUS” means the status of being in a parent and child relationship.

UNDUE HARDSHIP

The BIA has a legal duty to provide accommodation to the point of undue hardship. Undue hardship refers to the extent to which an employer must attempt to accommodate the needs of an individual who falls within the scope of protection (as outlined above). After careful review and full consideration of an accommodation request, the BIA may be in a position where accommodation cannot be provided. The three items that the “Code” considers as part of the evaluation are: cost, outside sources of funding (if any), and health and safety requirements (if any).

RESPONSIBILITIES

(a) Responsibilities of the Employee are to:

- Advise their Manager/Supervisor of the need for accommodation;
- Make their needs known to the best of their ability, in writing to their Manager/Supervisor, or a format that takes their accessibility needs into account, in order that their Manager/Supervisor may make the requested accommodation;
- Answer questions or provide relevant information in a timely basis regarding restrictions or limitations, including relevant information from health care professionals, where appropriate, and as needed;

- Participate in discussions regarding possible accommodation solutions;
- Co-operate with any experts whose assistance is required to manage the accommodations process, or when information is required that is unavailable to the person seeking the accommodation, including attending an independent medical examination;
- Meet agreed-upon performance and job standards once accommodation is provided;
- Notify the Manager/Supervisor of any ongoing and/or changing accommodation needs;
- Work with the Manager/Supervisor on an ongoing basis to manage the accommodation process and;
- Discuss their accommodation needs only with individuals who are responsible for developing/revising the Accommodation Plan. This may include the Manager/Supervisor and/or designated Human Resources/Health and Safety Staff.

(b) Responsibilities of the Employer are to:

- Ensure staff are informed of the availability of job accommodation;
- Receive accommodation requests in good faith;
- Keep a documented record of the accommodation request and action taken;
- Obtain expert opinion or advice where needed;
- Share accommodation information only as it relates to providing assistance to the employee with an emergency plan and/or evacuation procedures support;
- Make the need for relevant supporting information (medical or otherwise) known in writing or a format that takes the requester's accessibility needs into account;
- Bear the cost for any required medical information or documentation relating to the accommodation plan (i.e. ergonomic or occupational therapist assessments and letters setting out accommodation needs);
- Take an active role in ensuring that alternative approaches and possible accommodation solutions are investigated, and canvass various forms of possible accommodation and alternative solutions, as part of the duty to accommodate;
- Attempt to grant accommodation requests in a timely manner, to the point of undue hardship, even if the request is not yet formally submitted;

- Prepare a written Individualized Accommodation Plan including all requirements of the AODA's Integrated Accessibility Regulation 191/11 (as applicable);
- Ensure regularly scheduled and mutually agreed upon reviews of the Accommodation Plan which includes follow up and support to maximize success;
- Ensure the exercise of due diligence to ensure the worker's safety; and
- Maintain confidentiality.

(c) The Responsibilities of the Secretary and coordinator are to:

- Provide regular guidance to the BIA on the accommodation policy and procedure;
- Develop, create and maintain records for accommodation process, monitoring and planning;
- Assist Managers/Supervisors with the accommodation process, monitoring and planning
- Request further information related to an accommodation, as required.

PROCEDURE

See attached. Appendix A – Accommodation Procedure.

COMMUNICATION

The policy shall be communicated to all staff and form part of the Policy and Procedure Manual. This policy is available in an accessible format, upon request.

TRAINING

Staff shall receive training on this policy during the AODA Training as per the City of Thorold's training schedule. All Executive members shall receive specific training on this policy which shall be reviewed annually.

EVALUATION

This policy shall be reviewed as required by the Secretary and coordinator.

This document is available in alternate format and communication support upon request