



BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

**Workplace
Accommodation**

ADMINISTRATIVE PROCEDURE
NUMBER

503

Directional Policy

Employee Relations - 500

TITLE OF ADMINISTRATIVE PROCEDURE:

Workplace Accommodation

DATE APPROVED: April 3, 2018

PROJECTED REVIEW DATE: April, 2023

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.



Strategic Priorities 2017-2020

Vision

Achieving Excellence in Catholic Education
LEARN • LEAD • SERVE

Mission

To educate students in faith-filled, safe, inclusive Catholic learning communities by nurturing the mind, body and spirit of all.

LEARN

Achieve excellence in instruction and assessment to enable all students to become reflective, self-directed, lifelong learners.

LEAD

Foster critical thinking, creativity, collaboration, and communication, to enable all students to realize their God-given potential.

SERVE

Inspire engagement and commitment to stewardship for creation to enable all students to become caring and responsible citizens.

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 among 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.

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.

The workplace accommodation process includes the following phases:

(note – Phase 5 is only applicable if there is an issue with the accommodation request)

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;
- 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 or prospective employees may request the participation of a support person if required. Employees may request the participation of their Union Representative in the process, if applicable. 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 draft 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 need 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 Wellness Coordinator or designate. A meeting may be convened to discuss if necessary.

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 need due to disability.

Where an employee is dissatisfied with an identified accommodation, a review can be undertaken by the Wellness Coordinator or designate. The employee must provide a rationale in writing of the request for review and must provide any new relevant information.

In the event that the internal review processes remain unsatisfactory, the employee maintains access to grievance processes as afforded through their collective agreement, as applicable.

Phase 5 - Inability to Provide Workplace Accommodation:

The workplace accommodation process is a partnership between employees, the Board and where appropriate other relevant parties, 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

Occasionally 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 is 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.

The Wellness Coordinator or designate is responsible for:

- Responding to workplace accommodation requests in a timely manner.
- Collecting and assessing information on abilities and 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.

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:

[PVNC Catholic District School Board Vision and Strategic Priorities 2017-2020](#)

Cover Letter for Accommodated work availability

[Non-Teaching Employees Medical Certificate](#)

[OECTA/ OTBU Medical Certificate](#)

[AP 506 - Reporting Absences](#)

[AP 507 - Disability Management](#)