

**Accessible Employment Policy**  
**POL-C-02-2013**

**PURPOSE**

The Township of West Lincoln (the Township) 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 Township will work cooperatively and in the spirit of respect with all partners in the accommodation process. The Township will provide employees with suitable work accommodations within their capabilities and limitations and in accordance with legislation, 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.

**RIGHT TO EQUAL TREATMENT**

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.

**UNDUE HARDSHIP**

The Township 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. After careful review and full consideration of an accommodation request, the Township 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).

**DEFINITIONS**

“**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*.

**“Family status”** means the status of being in a parent and child relationship.

**“Employee Accommodation”** means any temporary or permanent measure used to remove a barrier which prevents an otherwise qualified individual from performing or fulfilling the essential duties of a job.

**“Equal”** means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination.

**“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 under the Ontario Human Rights Code (i.e. 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 three factors that determine undue hardship are: cost, outside sources of funding (if any), and health and safety requirements (if any).

## **RESPONSIBILITIES**

### **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, supply sufficient evidence of need of accommodation, 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;

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- 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.

**Responsibilities of the Employer are to:**

- The Township will make every reasonable effort to accommodate employees through the identification of modified work/work alternatives on an individual basis, up the point of “Undue Hardship”, and subject to the availability of safe and suitable alternative/accommodated work. It is noted that it may not be possible to accommodate an employee with disability who is returning to work post injury/illness within his/her previous position. The Township will attempt to find a position where the employee may be able to perform the essential duties with or without accommodation.
- The Township will accommodate employees with disabilities contingent upon their individual limitations and capabilities and the availability of suitable and safe employment. All eligible employees who are, through occupational or non-occupational illness/injury, unable to return to regular duties, will be considered for work accommodation, of either a temporary or permanent nature.
- 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;

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- 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;
- Maintain confidentiality; and,

**Responsibilities of the Employer during the Hiring Process:**

- Ensure the following steps are undertaken with respect to the Hiring Process:
  - Ensure that all job postings will be available in alternate formats or accessible communication supports upon request. All job postings whether internally or externally posted will have the following phrase: "This job advertisement is available in alternate formats, or accessible communication supports, upon request".
  - Ensure that all selected candidates are advised of the availability of accommodation in the hiring process. Accommodation of selected candidates will be provided to the point of undue hardship.
  - Ensure that all offer of employment letters will reference the Township of West Lincoln's Accessible Employment Policy and will notify new employees of the availability of job-related accommodation as well as workplace emergency response information. Offers will also indicate that all information generally available to employees of the Township is available in alternate format or accessible communication support, upon request.

**The Responsibilities of the Chief Administrative Officer and Human Resources Department are to:**

- Provide regular guidance to the Township on the Accessible Employment Policy;
- 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**

Accommodation procedures that are administrative in nature will be established by staff and

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revised from time to time, as required.

**COMMUNICATION**

The policy shall be communicated to all staff.

**TRAINING**

Staff shall receive training on this policy during the AODA Training as per the Township's training schedule. All Managers and Supervisors shall receive specific training on this policy which shall be reviewed annually.

**EVALUATION**

This policy shall be reviewed on an annual basis.

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

This Policy will be administered by the person in charge of Human Resources.

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