



Accommodation for Employees with Disabilities Procedure (temporary and permanent, work/non- work related)

Category: Human Resources;

Established on: September 25, 2018;

Amendments: None.

This document is available in alternate format on request.

1. Definition

1.1 Disability - is defined by the Ontario Human Rights Code as follows:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defects or illness and, without limiting 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.

1.2 Accommodation

For the purpose of this procedure, is an individualized process involving, to the point of undue hardship, the removal or alleviation of barriers that prevent an individual from participating equally in the workplace because of a disability.

2. General Considerations

- 2.1 The duty to accommodate is a multi-party obligation which can include management, Human Resources, Human Rights and Equity, Health and Safety, union representatives and the employee. All parties must work together to identify, implement and support appropriate accommodations. All parties must follow a proper process in every case to ensure compliance with the Ontario Human Rights Code.
- 2.2 Each employee who requires workplace accommodation for a disability will be considered on an individual basis with consideration of their unique needs as identified on a case-by-case basis. In order to ensure that requests are effectively dealt with, there may be some variations in the extent to which each step outlined in this procedure is applied.
- 2.3 The principles of dignity, individualization, inclusion and full participation are to be applied throughout the entire accommodation process.

3. Request for Accommodation

- 3.1 An employee may request an accommodation at any time by notifying her/his supervisor or Health and Safety that due to a medical condition or disability, s/he cannot perform the essential duties of her/his job and that s/he is requesting an individual accommodation plan.
- 3.2 For employees returning to work after an illness or injury, the request for an accommodation must occur prior to the employee returning to the workplace and is covered by *Lakehead University's RTW procedure*.

- 3.3 Accommodation requests shall be made in writing to the employee's supervisor or Health and Safety. If requested, the employee may provide her/his accommodation request in an alternate format that takes into account her/his accommodation needs.
- 3.4 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 alternate format upon request.
- 3.5 The denial of accommodation request may be appealed, in writing, within 10 working days to the Associate Vice-President (Human Resources) or designate. The Associate Vice-President or designate shall make a final decision as soon as reasonably possible.
- 3.6 Should employees have concerns or questions related to their right to accommodation based on disability, they are encouraged to contact the Office of Human Rights and Equity.

4. Medical Documentation

- 4.1 The request for accommodation must be supported by appropriate medical documentation. The documentation must;
 - Confirm a disability that prevents the employee from performing some or all duties of his/her current job.
 - Outline the specific restrictions and limitations that need to be accommodated.
 - Identify the expected duration of the disability.
- 4.2 All medical documentation shall be sent directly to Health and Safety. All such documents will be stored in Health and Safety and treated with the strictest confidentiality.
- 4.3 In some cases, additional medical documentation may be required. In such situations, Health and Safety will request a report from the employee's physician, medical specialist or other health care provider. Where such requests result in insufficient information to determine appropriate accommodation measures, the University may require the employee to undergo an independent medical

examination. In this case, the employee will be requested to sign a consent document to permit release of relevant information to Health and Safety.

- 4.4 Health and Safety will review the information in the medical documents received, and will only communicate relevant information that is necessary (e.g. functional abilities, limitations or restrictions and anticipated duration of accommodation) to the employee's supervisor.

5. Responsibilities

5.1 Employee's Responsibilities

- Notify her/his Supervisor that the employee is requesting accommodation in order to perform the essential duties of her/his job.
- Seek and provide relevant medical documentation confirming the disability and outlining any restrictions/limitations that need to be accommodated.
- Participate and cooperate in the development of the accommodation plan.
- Request the attendance of a union representative, if desired.
- Provide updated medical documentation as restriction and/or abilities change, or as requested by Lakehead University.
- Participate in any future reviews and updates.

5.2 Supervisor's Responsibilities

- Notify Health and Safety of an employee's request for accommodation.
- Participate and cooperate in the development of the accommodation plan.
- Monitor and evaluate progress through the accommodation plan.
- Maintain confidentiality of all employee information. Any disclosure of information must be accompanied by a written consent from the employee.
- Review the accommodation plan in consultation with Health and Safety and the employee, to update and revise as needed.

5.3 Health and Safety Responsibilities

- Assist in the development of an individual accommodation plan.
- Request the employee to be evaluated by a medical or other expert, at the employer's expense, if required to assist in determining appropriate accommodation.

- Maintain confidentiality of all employee medical information, unless written consent is obtained from the employee or disclosure is necessary in order to achieve the accommodation, in which case the employee shall be consulted first.
- Review the accommodation plan in consultation with the supervisor and the employee to update and revise as needed.
- Provide accommodation plan in an alternate format, if requested.

5.4 Union Representative Responsibilities

- In cases where an accommodation may impact the rights of other employees in the bargaining unit or impact provisions in the collective agreement, the employee's union must be involved.
- If requested, the union representative will assist the employee in understanding the accommodation process, and attend all meetings with the employee to discuss accommodation.

6. Accommodation Process:

Accommodation requests are received by either Health and Safety or the employee's supervisor. A supervisor may choose to develop the accommodation plan with minimal assistance, however all accommodation plans must be confirmed with Health and Safety.

Once a request for accommodation is received, the employee will be required to provide appropriate and current medical documentation as per Section 3 of this procedure. Health and Safety will review the medical documentation to ensure information provided is adequate, and will request additional medical information if needed. The supervisor will be informed about the employee's restrictions, limitations and accommodation needs.

The employee is encouraged to contact his/her union representative to participate in the accommodation process.

The supervisor, in consultation with the employee and Health and Safety, will make every reasonable effort to identify appropriate accommodation measures that will enable the

employee to fulfill the essential duties of his/her job. In many cases, the accommodation will involve the employee staying in his/her pre-disability position with some modifications.

An accommodation meeting involving all parties shall be held to discuss the restrictions and limitations, the accommodation options, the duration of the accommodation, and any other issues that may impact the success of the accommodation, as well as to cooperatively develop an accommodation plan.

In cases where the employee may not be accommodated in his/her pre-disability position, the University may be able to accommodate the employee in another position. In order to determine if this is a viable option, Health and Safety will work with the employee and the union to identify any positions currently available where there appears to be a match between the employee's qualifications, accommodation needs and the position requirements. The employee must be qualified and able to fulfill the essential duties of the new and available position. Health and Safety will facilitate an assessment meeting between the manager of the new position, the employee and union.

If an agreement is reached, a written accommodation plan will be developed by the supervisor and be signed by all parties. An individual accommodation template is included in Appendix A. It is important to record the accommodation plan to avoid any misunderstandings.

The supervisor, with cooperation from the employee, is responsible for implementing the measures outlined in the accommodation plan. Health and Safety can assist where required.

7. Follow-up

When an accommodation is completed, ongoing monitoring or reassessment is best done by having periodic accommodation meetings as often as is necessary based on progress. Any party can request a meeting at any time. The department or the employee can contact Health and Safety if they believe there are ongoing concerns, or if restrictions/limitations have changed. Health and Safety may request updated medical on a periodic basis to support ongoing accommodation requests or if new limitations/restrictions are needed.

This procedure is subject to, and shall be applied in accordance with all applicable collective agreements, Lakehead policy and current legislation.

9. Appendices

9.1 Appendix A. Individual Accommodation Plan (Template)

Review Period: Every three years, or as needed, by the Associate Vice-President (Human Resources);

Related Policies and Procedures: Accommodation for Employees with Disabilities Policy.