


Corporate Human Resources Policy		
Work Environment		
Policy No: HR-58-13		
Page 1 of 7		Approval: 2015-03-12

Employment Accommodation Policy

POLICY STATEMENT	<p>The City of Hamilton (“the City”) is committed to providing equitable treatment to all with respect to Barrier-free employment and Accommodation without discrimination. The City is committed to accommodating employees and applicants whenever necessary up to the point of undue hardship.</p>
PURPOSE	<p>The purpose of this Policy is to outline the City’s commitment to enable equal access to all employment activities. These activities include equal access to recruitment, assessment, selection, and hiring activities for all individuals, and equal access to orientation, non-discriminatory working conditions, promotion opportunities, training, performance management and career development for all employees.</p> <p>Accommodation shall be evaluated for employees who have a temporary or permanent Disability, or who otherwise need accommodation based on the protected grounds highlighted in the Ontario <i>Human Rights Code</i>. All employees and job applicants must be able to perform the essential duties of the job with or without any accommodations made. Accommodations may be implemented to enable employees to fulfill essential job duties and to enable individuals to equally access recruitment and selection processes.</p> <p><u>The City must provide employment accommodation as a legal obligation under the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i> and the Ontario <i>Human Rights Code (OHRC)</i>.</u></p>
SCOPE	<p>This Policy applies to all employees of the City which includes but is not limited to regular, temporary and contract employees. This policy also applies to volunteers, students and interns. For the purpose of this policy, collectively these classifications will be called “employees”.</p> <p>This Policy also applies to external applicants seeking employment and volunteer opportunities at the City.</p> <p>For time off for religious observation, see the City’s <i>Accommodation of Time Required for Religious Observance Policy</i>.</p>

DEFINITIONS	The following terms referenced in this Policy are defined as:
Accommodation	<p>The obligation that an employer has, to the point of Undue Hardship, to ensure that Barriers are removed from the workplace such that an employee can fully participate without discrimination.</p> <p>i) Individual Accommodation - An adaptation or adjustment that may be required to enable an employee to perform his or her essential job responsibilities effectively. This may involve providing technical aids such as software or hardware, changing some duties or hours of the employee, when operationally feasible, which allow the employee to complete the essential duties of the position, reassignment of the employee into available suitable work, utilization of a service animal in the workplace, or provision of specific services such as providing attendant care or sign language interpretation; and job coaches to assist in the initial training and integration of employees with medical or development disabilities.</p> <p>ii) Universal Accommodation The process of identifying and eliminating Barriers for everyone. This can be done by modifying policies, programs, procedures and practices, and ensuring that potential barriers are identified and resolved. Refer to the City's <i>Equity & Inclusion Policy</i> for further information as to how the principles of Equity and Inclusion are embedded in the City of Hamilton's delivery of services and programs.</p>
Barrier	Anything that prevents a person from fully participating in all aspects of society including a physical Barrier, an architectural Barrier, an information or communications Barrier, an attitudinal Barrier, a technological Barrier, a formal or informal policy or a practice.
Disability	Covers a broad range and degree of both past and present conditions in addition to those that are perceived. They can include physical, mental and learning disabilities. (Ontario Human Rights Commission).
Protected Grounds	The Ontario <i>Human Rights Code</i> prohibits discrimination against people within specified grounds. Protected grounds include: age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding) and sexual orientation.
Undue Hardship	The extent to which an employer must accommodate the needs of an

Corporate Human Resources Policy		
Work Environment		
Policy No: HR-58-13		
Page 3 of 7		Approval: 2015-03-12
	<p>employee on grounds protected under the Ontario <i>Human Rights Code</i>. The City must take all reasonable steps to ensure that an employee can be accommodated within the workplace; however in some very limited cases the City may not be obligated to provide accommodation where it would impact the viability of the corporation. To meet these exceptions the City has to demonstrate that an Accommodation would cause Undue Hardship due to (1) costs or (2) impacts to health and safety requirements.</p>	
PRINCIPLES	<p>The following principles apply to this Policy:</p> <ol style="list-style-type: none"> 1. The City is committed to the fundamental principles of dignity, independence, integration and equal opportunity that form the foundation of the AODA. These principles underlie and shape all City policies, procedures, practices and interactions with all persons employed by, seeking employment with, or conducting business with the City. 2. The City values the maintenance of a workplace environment that is inclusive and free from discrimination for all employees in accordance with its <i>Equity & Inclusion and Harassment and Discrimination prevention policies</i>. As such, the City takes into account Disability, and seeks to remove Barriers and create equitable access to opportunity for all. 3. The right to accommodation is recognized as being an integral component of the right to equality for all persons. 4. The City is committed to ensuring the health and safety of all employees and it is paramount that health and safety policies and requirements are followed. Accommodation may not be approved if it puts at risk the health and safety of any individual 5. Under the Ontario <i>Human Rights Code</i>, the City has a responsibility to remove Barriers within the workplace and accommodate employees and applicants whenever necessary up to the point of Undue Hardship. 6. Accommodations will ensure that the dignity and confidentiality of the employee is respected. 7. Accommodations made will be individualized, inclusive, and will be developed through the partnership of all involved. There may be preferences as to the ideal accommodation; however; the selected accommodation will represent the most appropriate and reasonable solution. 	

Corporate Human Resources Policy

Work Environment

Policy No: HR-58-13

Page 4 of 7



Approval: 2015-03-12

TERMS & CONDITIONS

Individual Assessment

Accommodation is assessed and delivered on an individual basis for employees and job applicants who make their needs known; or in situations when there is reason to believe that accommodation for an Employee may be required. For example, if an employee has a lot of sick time, the manager / supervisor has a duty to inquire if accommodation is needed. Each situation must be considered individually in order to assess appropriate Accommodation. Requests for accommodation must be dealt with quickly and effectively so employees can fully participate in all aspects of employment and recruitment, except where Undue Hardship can be demonstrated.

Confidentiality

Individuals must be accommodated in ways that respect their dignity, worth, and right to privacy in the workplace. All information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of meeting accommodation requirements. The City will comply with all privacy, confidentiality and security requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

Performance Standards

All employees must be able to complete the essential duties of their position. The City is not obligated to accept substandard or less than competent performance from an employee who has been accommodated. In certain circumstances, productivity levels may be temporarily or permanently adjusted as a form of reasonable accommodation.

RESPONSIBILITIES

The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:

1) The Employer

The City must ensure that all recruitment and assessment materials and processes assess the applicants based on the essential duties of the job.

The City shall make every reasonable effort to ensure Confidentiality for employees or job applicants who request individual Accommodation. A confidential inquiry by an employee's manager / supervisor is appropriate if there is reason to believe an accommodation may be required. Confidentiality includes taking care to protect all employee records including any Individual accommodation Plans to remove Barriers for prospective and existing employees in compliance with Ontario's AODA legislation.



2) Employees Requiring Accommodation

The employee will notify their supervisor / manager or human resources regarding the need for accommodation. The employee will identify any known accommodation needs and will cooperate with reasonable requests for evidence establishing his/her accommodation needs. The employee will cooperate with the City in the accommodation process.

The accommodation is based on individual circumstances and can include but is not limited to recruitment, selection, training, promotion, performance appraisal, work tasks and responsibilities, and any other conditions of employment where the need for accommodation may be identified.

The process for Accommodation is consultative involving the employee, the employee’s manager, Human Resources, and, where appropriate, employee unions, medical practitioners and other third parties with specialized expertise. Accommodation may result in specific temporary or permanent changes to a position that may include the introduction of additional services, adaptations or adjustments that enable an otherwise qualified individual to compete for jobs and perform the essential duties of a job.

Management

If a City supervisor or manager has reason to believe there is an Accommodation need or s/he receives a request, s/he has the responsibility to initiate action on the request in a timely manner upon becoming aware of the need. Human Resources and Access & Equity can consult with Managers on this Policy and provide information with regard to City resources available to support employee accommodation.

Human Resources

Human Resources must be contacted for consultation and guidance concerning any Accommodation. Human Resources will provide assistance in the preparation of Accommodations for current employees as well as for job applicants who identify the need. In accordance with the AODA (Employment Standards) requirements, the City shall fulfill the following responsibilities:

Recruitment

- Post information about the availability of accommodations for applicants with disabilities in its recruitment process.
- Ensure that job applicants who are individually selected for an interview and/or testing are notified that accommodations for material to be used in the recruitment process are available,



upon request.

- Request the required support from Access & Equity to book any required equipment or communications format to provide accessible accommodations for a job applicant
- Consult with any applicant who requests an accommodation in a manner that takes into account the applicant’s Disability. Successful applicants shall be notified about the City’s policies for accommodating employees with disabilities upon the City providing a written job offer.

Return to Work Services

- Maintain a Work Accommodation Procedure that can be used to develop Individual Employee Accommodation Plans for existing employees, as required.
- Provide consultation and guidance to departmental managers/supervisors on whether to approve a request for Individual Employee Accommodation.
- Provide consultation and guidance to departmental managers/supervisors on how to implement an Individual Employee Accommodation Plan including how to modify existing job duties; or redeploying an employee to a suitable equivalent position if accommodation is not possible due to inability to perform essential duties or meet health and safety requirements.

Employee Supports


Human Resources will inform employees of its accommodation policies to support employees facing barriers in the workplace. This information shall be provided to new employees as part of the job offer letter and updated information provided to all employees whenever there is a change to existing Accommodation related policies.

Access & Equity

Accessible Formats and Communication Supports for Employee

Upon an employee’s request, Access & Equity staff shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:

- information needed to perform the employee’s job;

Corporate Human Resources Policy		
Work Environment		
Policy No: HR-58-13		
Page 7 of 7		Approval: 2015-03-12
	<ul style="list-style-type: none"> • information generally available to employees in the workplace. 	
COMPLIANCE	Any Employee who is found to have violated this <i>Employment Accommodation Policy</i> may be disciplined according to the severity of the actions, up to and including dismissal.	
RELATED DOCUMENTS	<p>The following related documents are referenced in this Policy:</p> <ol style="list-style-type: none"> 1. <i>Accommodation of Time Required for Religious Observance Policy</i> 2. <i>Equity & Inclusion Policy</i> 3. <i>Work Accommodations Procedure for Employees with Accommodation Needs Based on a Medical Condition or Disability</i> 4. <i>Recruitment Accommodation Procedure</i> 5. <i>Ontario Human Rights Code, 1990</i> 6. <i>Accessibility for Ontarians with Disabilities Act, 2005</i> 7. <i>Municipal Freedom of Information and Protection of Privacy Act.</i> 	
HISTORY	<p>The following stakeholders were consulted on this Policy:</p> <ul style="list-style-type: none"> • Corporate Policy Review Group • Access & Equity • Legal Services <p>This policy was approved by Senior Management Team on 2015-03-12</p>	