

# University Health Network Policy & Procedure Manual People & Culture: Accommodation in Employment for Persons with Disabilities

## Policy

University Health Network (UHN) is committed to promoting an inclusive and accessible work environment, and to improving accessibility to persons with [disabilities](#) in accordance with this policy.

UHN will attempt to accommodate both applicants and employees with disabilities in a way which respects their dignity and privacy, enables applicants with disabilities to proceed equitably through the application process, and supports employees to perform their work and fully participate in employment at UHN. Accordingly, UHN will work to provide [accommodation](#) planning processes in a manner that takes into account the applicant's or employee's needs due to disability.

It is UHN's intention that accommodation will be provided respectfully, both individually (to meet the specific needs of individuals), and systemically (to make the work environment accessible to applicants and employees with disabilities).

## Accommodation Process

[Accommodation](#) will address current employment restrictions, unless future restrictions are known and can be reasonably accommodated concurrent with the present accommodation.

Accommodation will be assessed on an individual basis and include needs as disclosed by the employee, and which directly relate to the employment or such needs as are disclosed by the position applicant and directly relate to the application process.

The employee will be included in all stages of the accommodation process, with the UHN Health Services disability case coordinator (DCC) assigned to the applicable site. The accommodation process will take into account the employee's [disability](#) and will ensure supports are included during the process. Other participants in the process may include the department manager, the union (where applicable), Interpretation Services, People Consultants, Inclusion Diversity Equity Accessibility (IDEA), and insurers. Where the employee is non-unionized, IDEA or the Employee Assistance Program may provide support.

UHN will attempt to re-employ a worker who has been unable to work as a result of illness or injury in a manner consistent with the [Workplace Safety and Insurance Act](#), and/or UHN's policies and practices and collective agreements.

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Policy Number	<b>2.10.012</b>	Original Date	<b>12/13</b>
Section	<b>Employment</b>	Revision Dates	
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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>1 of 10</b>

In its attempts to provide accommodation, UHN may determine that, at its expense, an external evaluation by an outside medical or other expert is required to help establish the accommodation and how the accommodation may be achieved.

The nature of the accommodation provided may include:

- [communications services](#)
- [human support services](#)
- [technical aids and assistance devices](#)
- [position redesign](#)
- [employment policy and practice modifications](#)
- [workplace modifications](#)

Every effort will be made to adopt the accommodation preferred by the employee. However, if there is an equally effective accommodation solution, the employee should discuss and generate a reasonable alternative that may or not be less costly and easiest to provide or a better alignment with the operational needs of the work unit.

The duty to accommodate does not create an endless obligation on UHN. Circumstances of the individual, the ability to perform the [essential duties](#) of the job, the success of accommodation attempts, the cooperation of the employee, and performance competencies will be relevant in determining where the duty to accommodate ends.

## Hiring Process & Job Applicants with Disabilities

Applicants may request [accommodation](#) at any time during the hiring process.

Accommodation for applicants for any UHN position will be coordinated through the staffing advisor, who will work with the hiring unit/department manager.

The hiring and interview process will take into account the applicant's accessibility needs due to [disability](#).

In the event the staffing advisor requires additional information to ensure that the applicant's accessibility needs are met during the hiring and interview process, UHN Safety Services and/or the DCC and other UHN specialized services may be contacted to explore options and resources.

## Short-term Accommodation of Employees

Employees should contact their manager or Health Services and/or the DCC if they have an [accommodation](#) need.

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Issued By	<b>People &amp; Culture</b>	Review Dates	
Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>2 of 10</b>

If injury or illness prevents an employee from fulfilling the [essential duties](#) of their position for a temporary period, UHN will endeavour to provide accommodation to the employee. The objective of the short-term accommodation is the graduated return of an employee to full duties. A short-term accommodation typically includes modified hours and/or duties for a limited period of time, and may include [ergonomic](#) interventions.

To recognize the need for short-term accommodation, the employee should request the accommodation, or the manager may identify the need for accommodation and discuss with the site-based DCC.

The DCC will meet with the employee to explain the work accommodation process and to obtain relevant medical information, including input regarding options. The employer and employee will discuss and review the accommodation requirements. The DCC will prepare an accommodation plan for approval by the leadership of the employee's unit/department.

Where the employee is unable to perform the essential duties of the pre-injury/pre-illness position, an additional discussion between the employee, manager, and the DCC will occur to review options, including, but not limited to:

- **Adjustments to the work schedule:**
  - a. using sick leave, with or without pay
  - b. using a gradual return-to-work plan
  - c. allowing a modified/flexible schedule
  - d. planning for uninterrupted work time
  - e. providing for longer or more frequent breaks or stretch periods
  - f. allowing telework
  
- **Adjustments to job duties:**
  - a. providing transitional work, temporary or permanent lateral move, or modified work
  - b. allowing additional time to learn new responsibilities
  - c. arranging for retraining
  - d. providing coaching/mentoring
  - e. dividing larger assignments into smaller tasks and goals
  - f. providing written checklists and instructions
  - g. using electronic organizers
  - h. adjusting job standards, as determined by the manager and performance expectations
  - i. re-bundling of job duties
  
- **Adjustments to the work environment:**
  - a. providing desk chairs with specialized back and arm supports
  - b. arranging an ergonomic assessment

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>3 of 10</b>

- c. increasing space between cubicles and space within a cubicle to allow wheelchair access
- d. providing space enclosures
- e. reducing distractions in the workplace
- f. removing overhead lights or increasing natural lighting
- g. redirecting heat or cooling devices
- h. using adaptive technology devices
- i. using specialized computer equipment, such as monitor glare guards, or an ergonomic mouse or keyboard
- j. providing software that reads computerized text
- k. providing environmental assistance for fragrance sensitivities (air purifier, notifications of area restrictions)
- l. ensuring that accessibility is integrated with the department/unit charter or code of conduct
- m. encouraging courtesy and respect

Once the accommodation has been found to be suitable and has been implemented, the DCC will review the accommodation monthly, document progress, establish timelines, and identify the anticipated return date to the employee's original duties.

### Permanent Accommodation of Employees

Employees should contact their manager or Health Services and/or the DCC if they have an [accommodation](#) need.

UHN will provide long-term accommodation to enable an employee with an injury, illness, or [disability](#) to fulfill the [essential duties](#) of the position. Accommodation typically modifies the worksite, tools, duties, and/or hours.

All requests for long-term accommodation will be administered by Health Services, in accordance with the Health Services and UHN Safety Services Permanent Accommodation Job Search Process.

UHN will develop individualized accommodation plans in a manner that takes into account the employee's accessibility needs due to disability, and such plans will be documented and include the following:

- The DCC will meet with the employee to explain the process and obtain relevant information, such as medical information and releases, and provide support resources, such as the Employee Assistance Program.
- The DCC will contact the unit/department to obtain information about the position, and to determine if an independent medical assessment is required at this stage. If the employee's own position is not available, the employee will be referred to People Consultants.

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>4 of 10</b>

- The DCC will review the assessment with the employee (and union, if applicable) and discuss the assessment with the unit/department management to determine if long-term accommodation is possible.
- If the specific approved long-term accommodation cannot be provided immediately, consideration will be given to interim methods of providing accommodation.
- If the employee's own position is available, but the initial decision is that an accommodation cannot be made by the unit/department:
  - a. the DCC will notify the employee, the union, People Consultants, and IDEA, if required, **and**
  - b. the DCC will arrange for an independent medical assessment.

**Note:** The independent medical assessment will allow UHN to determine whether:

- i. the employee can perform the essential duties of the position with an accommodation, if required;
- ii. the employee should receive further intervention, such as a graduated return to work, before an accommodation can be provided, or
- iii. the employee's limitations cannot be accommodated in their own position, and the DCC will work with the employee and implement the Permanent Job Search Process.

UHN will continue to use its best efforts to place the employee in an alternative position for which the employee is qualified, in accordance with the [Workplace Safety and Insurance Act](#), UHN policies, practices, and collective agreements. The employee must be qualified and able to fulfill the essential duties of the alternative position, with accommodation if necessary.

## Union/Collective Agreements

In the event that the only feasible [accommodation](#) conflicts with a collective agreement, the parties to the agreement will work to achieve a resolution.

A term of a collective agreement cannot act as a barrier to providing the kinds of accommodation an employee might require. It is the joint responsibility of the employer and the union to work out a solution with respect to any accommodation involving a conflict with an existing agreement. In the event that the parties are unable to achieve an agreed-upon solution, the employer may be required to make the accommodation in spite of the collective agreement.

It is understood that nothing in UHN's accommodation process precludes the negotiation of accommodation improvements in a collective agreement. Further, nothing in this

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>5 of 10</b>

process will prevent any union from exercising its negotiated appeal processes on behalf of its members in the event that the union claims that reasonable accommodation has not been provided or the accommodation process is not being adhered to properly.

## Accommodation Funding

Employment [accommodation](#) funding will be the responsibility of the vice-president (VP) of the site in which the employee with a [disability](#) works.

Where accommodation is systemically required to make the UHN work environment accessible to applicants and employees with disabilities, the executive vice-president (EVP), People, Culture & Community may supplement funding, as required.

Employment accommodation funding will be for one-time only expenditures in the fiscal year for accommodating individual employees with disabilities and will be used for:

- the purchase or modification of special equipment,
- initiation of the accommodation, and
- special renovations which would be used by the employee and improve accessibility at the site.

The cost of initial minor accommodation up to \$1,000.00 will be assumed by the department, with additional costs to be the subject of a request to the site VP.

All equipment purchased will be, and remain, the property of UHN.

Funding for continuing the accommodation in the ensuing fiscal years, including maintenance and replacement of equipment, physical changes, adjunctive or support staff, will be provided by the site VP for the area in which the employee with a disability works.

Where requested, funding for employment accommodation is insufficient to meet the needs identified for employment accommodation, the director of Health Services and the chair(s) of the Accessibility for Ontarians with Disabilities Act Planning Committee will report the need for funding to the EVP, People, Culture & Community.

## Roles & Responsibilities

Every member of the UHN community is expected to participate attitudinally and operationally, as applicable, in the implementation of this policy.

### EVP, People, Culture & Community

- Approve the guidelines and procedures for accommodation in employment of persons with disabilities, which may be revised from time to time.

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>6 of 10</b>

- Supplement funding, as required.

### **Site VPs (Toronto General, Toronto Western, Princess Margaret, Toronto Rehab & Research)**

- Fund employment accommodation for one-time only expenditures in the fiscal year for accommodating individual employees with disabilities, to be used as follows:
  - a. the purchase or modification of special equipment
  - b. initiation of the accommodation
  - c. special renovations which would be used by the employee and improve accessibility at the site
- Provide funding for continuing the accommodation in ensuing fiscal years, including maintenance and replacement of equipment, physical changes, adjunctive or support staff.

### **People & Culture (Talent Acquisition, People Consultants & IDEA)**

- Ensure that recruiting and hiring are conducted in accordance with policies, procedures, and collective agreements.
- Advise applicants and employees of relevant policies, procedures, and collective agreements, and the mechanisms available to generate options and solutions.
- Provide disability management services and facilitate position placements, where appropriate, directly or in conjunction with Health Services.
- Provide assessment and training, where required.
- Advise on contractual requirements concerning employee accommodations.

### **Health Services**

- Coordinate accommodation of applicants and employees, as appropriate.
- Assess, in conjunction with the manager and the employee, the job position requirements, and the employee's functional abilities for accommodation requirements.
- Develop an appropriate accommodation plan for applicants and employees with disabilities, in accordance with this policy.
- Monitor and evaluate accommodation.

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>7 of 10</b>

## Managers or Designates

- Ensure that recruitment and hiring are conducted in accordance with UHN policies, procedures, and collective agreements.
- Advise applicants and employees of this policy and the procedures available for accommodation.
- Promote an environment supportive of requests for accommodation.
- Work with the DCC in the development of appropriate accommodation for applicants and employees, in accordance with this policy.
- Implement and oversee accommodations, and facilitate the integration of the employee being accommodated.

## Employees

- Disclose the particulars of their need for accommodation.
- Participate in the accommodation process, e.g. by providing relevant medical information in a timely manner, identifying the essential duties that they are able or unable to perform.

## Definitions

**Accommodation:** An adaptation or adjustment. It applies to recruitment, selection, and employment, including training and career development. It may be short- or long-term, with the goal of enabling the person with disabilities to perform the essential duties of the position. Examples of accommodation include, but are not limited to:

- **Communications services** include captioning, conversion of print to braille, audiotapes, or enlarged print.
- **Employment policy and practice modifications** are waiving or modifying particular working conditions to provide accommodation, e.g. flexible hours.
- **Human support services** are personnel provided to assist in accommodation; examples include attendants, sign-language and oral interpreters, and readers.
- **Position redesign** is the modification of duties and/or the hours of work on either a short- or long-term basis.

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>8 of 10</b>



- **Technical aids and assistance devices** include environmental control units (e.g. remote control to open/close doors, operate lights), hoists, grips, telephone devices for the Deaf, infrared systems, FM broadcast systems, braille computer printers, optical character recognition systems, keyboard adaptations, and training/technical support required to use technical aids and devices.
- **Workplace modifications** are physical or technological alterations of the workplace, and include specialized or adjustable furniture, modified lighting, handrails, door access and retrofitted facilities.

**Disability:** Disability (or handicap) refers to all disabilities protected in the Human Rights Code, R.S.O. 1990, Ch.H.19 as defined in sec.10 of the Code as follows:

- “(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, including diabetes mellitus, epilepsy, and 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 on a wheelchair or other remedial appliance or device,
- (b) a condition of mental retardation or impairment,
- (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 Workplace Safety and Insurance Act.”

**Ergonomics:** Task and/or equipment modifications to enable the worker to accomplish the essential duties of their position.

**Essential duties:** Those duties necessary to achieve the overall objective of the position. Determining the essential duties of a job include consideration to:

- how often each duty is undertaken
- proportion of time spent on each duty
- impact of removing a duty
- description of current position
- normal productivity expected in the position

**Undue hardship:** The Human Rights Code and the Workplace Safety and Insurance Act view UHN as a single employer. The term "undue hardship" is interpreted by the Human Rights Commission and the Workplace Safety and Insurance Board in a manner consistent with the resources of the entire organization.

**Note:** As defined by the Ontario Human Rights Code, organizations are required to accommodate someone with a disability to the point of undue hardship. There are only three factors to consider in assessing undue hardship: cost, outside sources

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>9 of 10</b>

of funding, and health and safety requirements, if any. Evidence to demonstrate undue hardship must be objective, real, direct and, in the case of cost, quantifiable.

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Approved By	<b>Executive Vice-president, People, Culture &amp; Community</b>	Page	<b>10 of 10</b>