

University Health Network Policy & Procedure Manual Human Resources – 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, privacy, enables applicants with disabilities to proceed equitably through the application process, 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 Occupational Health and Safety 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, Employee Relations, Diversity and Mediation Services, and insurers. Where the employee is non-unionized, Diversity and Mediation Services 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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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 which 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, Occupational Health and Safety 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 Occupational Health and Safety and/or the DCC if they have an [accommodation](#) need.

If injury or illness prevents an employee from fulfilling the [essential duties](#) of his/her 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

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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
 - c. increasing space between cubicles, and space within a cubicle, to allow wheelchair access
 - d. providing space enclosures

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- 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 Occupational Health and Safety 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 work site, tools, duties and/or hours. All requests for long-term accommodation will be administered by Occupational Health and Safety in accordance with the Occupational Health and Safety 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 Employee Relations.
- 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.

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- 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, Employee Relations, and Diversity and Mediation Services, if required, and
 - b. the DCC will arrange for an independent medical assessment.

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 his/her own position, and the DCC will work with 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 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.

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Accommodation Funding

Employment [accommodation](#) funding will be the responsibility of the vice-president 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 senior vice -president of Human Resources 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 vice-president.

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

Funding for continuing the [accommodation](#) in ensuing fiscal years, including maintenance and replacement of equipment, physical changes, adjunctive or support staff, will be provided by the site vice-president 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 Occupational Health and the chair(s) of the Accessibility for Ontarians with Disabilities Act Planning Committee will report the need for funding to the senior vice-president of Human Resources

Roles & Responsibilities

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

Senior Vice-president, Human Resources

- Approve the guidelines and procedures for [accommodation](#) in employment of persons with disabilities, which may be revised from time to time.
- Supplement funding as required.

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Site Vice-presidents (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.

Human Resources (Staffing, Employee Relations & Diversity & Mediation Services)

- 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 the Occupational Health and Safety Department.
- Provide assessment and training, where required.
- Advise on contractual requirements concerning employee [accommodations](#).

Occupational Health & Safety

- 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](#).

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.

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- 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.
- **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

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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 his/her 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, and
- 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 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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