

Policy		Heritage Green Nursing Home	
Manual	Administration	Document #	11-01-01A
Section:	Facility Accessibility	Effective Date:	May 28, 2015
Subject:	Accommodation Policy	Reviewed Date:	November 28, 2023
Approved By Administrator	<input checked="" type="checkbox"/> Scott Kozachenko	Modified Date:	N/A

## Policy Statement

Heritage Green is committed to fostering an inclusive workplace where all employees are treated with respect and dignity.

**Heritage Green** will act in a manner consistent with its obligations under the *Integrated Accessibility Standards and the Employment Equity Act, 1993, S.O.*

**Heritage Green** will provide a workplace that ensures equal opportunity free from discrimination based on race, colour, national or ethnic origin, religion, age, sex (includes pregnancy or child-birth), sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability

**Heritage Green** will provide workplace accommodation, to the point of undue hardship. The purpose of accommodation is to ensure that individuals who are otherwise able to work are not discriminated against by being excluded from doing so when working conditions can be adjusted without causing undue hardship to the employer.

## Application

This policy applies to all current employees and applicants for employment of **Heritage Green**, including full and part-time, casual, contract, permanent, and temporary employees. This policy also applies to employees on approved leave including short and long-term disability leave.

This policy applies to all aspects of employment including, but not limited to recruitment, selection, training, promotion, transfers, work arrangements, compensation and benefits, and termination of employment.

## Definitions

An **Inclusive Workplace** means that all employees have the opportunity to contribute and participate in the workplace in a barrier free environment. Critical to the notion of an inclusive workplace is a robust accommodation policy.

**Accommodation** means taking steps to adjust rules, policies, practices or situations that have a negative impact on an individual or groups, protected under the *Canadian Human Rights Act*.

**Undue Hardship** occurs when accommodation adjustments to the workplace would be prohibitively expensive, or create undue risks to health or safety. Each situation will be viewed as unique and assessed individually. A claim of undue hardship must be supported

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with facts and a detailed analysis of options, impressionistic or speculative reasons will not suffice. The following are examples where accommodation could cause undue hardship: an employer cannot accommodate without seriously impacting business operations;

an employee will not be able to return to work in the foreseeable future or is absent so often that it is no longer possible to accommodate them without causing the employer serious financial hardship;

the employee's position is safety sensitive and, as a result, accommodation may pose a safety risk to the employee, his or her colleagues, clients and / or the public.

### **Responsibilities and Expectations**

Accommodation is a shared responsibility between employees, supervisors and Heritage Green, as the employer.

#### **Heritage Green is responsible for:**

eliminating barriers that prevent people from accessing, or being included in, the workplace;

minimizing the need for individual accommodation by regularly reviewing rules, policies, by-laws and practices to ensure that they are not discriminatory;

ensuring that all employees and job applicants are advised of their right to be accommodated;

dealing with requests for accommodation in a timely, confidential and sensitive manner;

providing individual accommodation to the point of undue hardship; and

ensuring that this policy is effectively implemented.

#### **Supervisors are responsible for:**

fostering an inclusive work environment by treating all employees and job applicants with respect and dignity;

identifying and eliminating barriers that prevent people from accessing, or being included in, the workplace;

dealing with requests for accommodation in a timely, confidential and sensitive manner;

informing individuals requiring accommodation what information they need to provide to be accommodated;

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generating accommodation options based on the information provided about the individual's accommodation need(s)

involving individuals requiring accommodation in the search for accommodation;

initiating a discussion about accommodation when they are aware that an employee or job applicant may have a need for accommodation, but is unable, for any reason, to articulate that need.

**Employees and job applicants are responsible for:**

- making their accommodation needs known. This does not require the disclosure of the specific cause of their needs but only the effects which create the need for accommodation.
- helping to identify potential accommodation options;
- providing documentation in support of their request for accommodation, including information about any restrictions or limitations; and
- accepting an offer of accommodation that meets their needs, even if it is not their preferred accommodation option.

**Employees and job applicants can expect:**

to be treated with respect and dignity;

to have their needs accommodated up to the point of undue hardship; and

to be informed of the reasons, if their accommodation request is denied.

**Procedures for Accommodation**

**Job Applicants**

When contacted for an interview, job applicants will be advised that **Heritage Green** has an accommodation policy and asked whether he or she requires accommodation to participate in the hiring process.

**Each Heritage Green Hiring Manager/Director** will evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation.

If a request for accommodation is denied, the reasons why will be clearly communicated to the job applicant.

**Employees**

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An employee may request accommodation by notifying his or her supervisor. Alternatively, accommodation needs may be identified through supervisor and employee collaboration in response to concerns raised by the supervisor.

The supervisor will document the request, including the employee's name, position and date of the request, any details provided by the employee and any accommodation options suggested by the employer or employee.

The supervisor may request supporting documentation from the employee in order to identify accommodation needs and options (e.g. details of restrictions or limitations).

The supervisor will consider accommodation options including, but not limited to: workstation adjustments; reassignment of job tasks; changes to scheduling or hours of work; leaves of absence; and temporary or permanent reassignment.

The supervisor will discuss available accommodation options with the employee. The accommodation preferences of the employee will be taken into account. However, the supervisor may proceed with an option that is less costly or easier to provide, when it meets the employee's accommodation needs. The supervisor will clearly communicate the reasons for his or her decision to the employee.

The supervisor will review the accommodation measures with the employee on a regular basis to confirm they continue to be necessary and effective.

If the available accommodation options raise the likelihood of causing undue hardship, the manager/director will refer the matter to **Administrator for Heritage Green** for decision.

**The Hiring Manager/Director** will ensure that all accommodation options short of undue hardship have been considered prior to refusing accommodation. If a request for accommodation is denied, **the hiring manager/director** will clearly communicate the reasons why to the employee.

### **Appeals**

If an employee or applicant has been denied accommodation, is not satisfied with the accommodation offered, or believes that his or her request has not been handled in accordance with this policy, he or she may request a second opinion from **Heritage Green Administrator**

An employee or applicant may also file a discrimination complaint with the Canadian Human Rights Commission

### **Privacy and Confidentiality**

All records associated with accommodation requests will be maintained in a secure location, separate from employees' personnel files and will only be shared with persons who need the information.

**Heritage Green** and all individuals involved in the accommodation process will comply with the requirements of PHIPA, 2004 to protect personal information.

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