

## **WORKPLACE ACCOMMODATION POLICY**

### **Central Eglinton Children's Centre**

**Date Policy and Procedures Established: July 5, 2022**

**Date Policy and Procedures Updated: February 1, 2023, March 6, 2024**

#### **Statement of Commitment**

CECC recognizes the diversity of its workforce and is committed to ensuring that all employees are able to effectively and efficiently use their skills and experience to contribute to the organization's performance, production and service delivery. This includes the opportunity to participate, without discrimination, in both work-related and other activities conducted within a work context.

#### **Objective**

The objective of this policy is to make the work environment inclusive and non-discriminatory and to establish effective mechanisms for responding to the individual accommodation needs of existing and potential employees.

#### **CECC will:**

- Establish and maintain an effective system to ensure an inclusive workplace and provide workplace accommodation.
- Ensure that its corporate activities, including all policies, practices, procedures and the construction or renovation of facilities will not result in discrimination.
- Respond in a timely, confidential and sensitive manner to requests for individual workplace accommodation.

#### **Legal Framework**

This policy addresses our responsibilities under the *Canadian Human Rights Act* (CHRA) and the *Employment Equity Act* (EEA). The CHRA states that it is unlawful to discriminate on the grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted. The EEA's purpose is:

*"to achieve equality in the workplace so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and ... to correct the conditions of disadvantage in employment experienced by women, aboriginal people, persons with disabilities and members of visible minorities by giving effect to the principle that employment equity means more than treating people the same way but also requires special measures and the accommodation of differences."*

This policy acknowledges our duty as an employer to provide individual accommodation up to the point of undue hardship and the responsibility to minimize the need for individual accommodation by ensuring that any rules, policies, standards or practices are not discriminatory.

## To whom does this policy apply?

This policy applies to all CECC employees and applicants for positions with CECC.

This policy is of relevance to those employees and applicants who are members of one or more of the groups against whom discrimination is prohibited under section 3 of the *Canadian Human Rights Act* and section 15 of the Charter.

## Barriers

CECC recognizes that many of its programs and activities have consequences for employees and have the potential to create or maintain discriminatory barriers. CECC is committed to ensuring that the following activities are reviewed to remove any discriminatory effect:

- All employment-related policies including recruitment, selection, training, promotion, retention and alternative work arrangements and flexible hours.
- Purchase of equipment that may hinder a person's ability to function, move around, communicate.
- Purchase of internal fittings (chairs, desks, lights, carpets, computers, etc.).
- Decisions relating to location and accessibility of conferences, seminars and training.

## What may be required?

CECC will ensure that, before making any decisions that impact its employees etc., it will analyse the decisions to identify and resolve potential barriers. It will also review all existing policies and procedures to identify and remove discriminatory elements. This may well involve permanent or ongoing changes to facilities, practices, policies and procedures.

- CECC will ensure that it provides, in a timely and effective way, accommodation specific to an individual's needs. When possible.

This could include, but is not limited to:

- **Workstation access and adjustments:** changes to work area design and means of access to the workplace and all facilities, modifications to technology and equipment.
- **Information:** All information pertaining to CECC's operations such as: job descriptions, planning materials, health and safety information etc. is offered in accessible format, upon request
- **Hiring practices:** changes to the procedures used for testing, selection, training, promotion and termination.
- **Work procedure adjustments:** changes to the specific requirements of a particular job, restructuring of duties, modifications to working hours, adoption of flexible work practices, relocation, flexible hours and leave options, and modification of particular policies.
- **Provision of specific services, facilities, aids or equipment:** including the provision of interpreters, particular equipment, attendant services, a quiet place for prayer or assistance with particular aspects of a job.
- **Re-assignment of an individual employee:** a change of position or the reassignment of specific tasks to another position. If possible.

## Responsibility

CECC recognizes that the need for accommodation may arise during the employment selection process, at the commencement of employment or at some time after employment has commenced. An employee's probationary period can only commence after an employee has been appropriately accommodated.

Overall responsibility for implementing this policy and procedure rests with the Directors

The directors and board of directors are responsible for ensuring that all existing policies, rules, practices and procedures are reviewed to identify and eliminate discriminatory elements.

All employees are encouraged to notify the directors of any barriers they believe prevent access or inclusion. The directors are responsible for ensuring action is taken on such notifications.

CECC recognizes a shared responsibility for ensuring that an individual accommodation is identified.

CECC is responsible for advising employees and applicants about their right to accommodation and assisting the employee or applicant to identify the most suitable accommodation.

The employee or applicant is responsible for requesting accommodation including identifying, where possible, the types of accommodation she or he considers appropriate.

CECC will accept and act on a request for accommodation made by a third party (family member, caregiver, advocate or other representative). The procedure, in this event, will only continue with the consent of the employee or applicant.

CECC recognizes that the directors also have a responsibility to initiate the procedure where they are aware that an employee or applicant has a need for accommodation but is unable for any reason to state that need. The procedure, in this event, will only continue with the consent of the employee or applicant.

The employee has a responsibility to provide reports or medical information specifically relevant to the process of identifying appropriate accommodation.

The directors are responsible for following the correct procedure when an employee or applicant identifies the need for accommodation.

### **Undue Hardship**

CECC is not required to make changes to workplace policies, rules, practices and operations or provide accommodation that will result in undue hardship.

Before refusing to provide accommodation, CECC will ensure that all effective options to accommodate, short of undue hardship, are considered.

Where a means of accommodation is requested and it has been found that it cannot be met without incurring undue hardship, every effort will be made to provide alternative accommodation up to the point of undue hardship.

The directors, board of directors will decide about the likelihood of undue hardship arising by considering:

- The nature and cost of the accommodation as assessed in the context of the size and financial situation of CECC.
- Safety and/or health risks, if any, and who bears them.

If the directors concludes that the accommodation will result in undue hardship, they will forward an "Undue Hardship Analysis and Recommendation" to the board of directors as soon as possible, not later than five working days after receiving the request, unless specific specialist information or assistance is required and obtaining this results in a delay.

The board of directors will provide a decision with reasons in writing to the director/assistant directors and to the employee within five working days of receiving the analysis and recommendation.

Where the board of directors agrees that the accommodation would result in undue hardship, consideration will be given by the directors and the employee, to offer alternative accommodation, such as possible changes to the job description or relocation to another, more suitable, position.

If the employee disagrees with the decision to deny the accommodation, she or he may appeal using the procedure set out below.

The employee will be advised of his or her rights to appeal and counsel, and to lodge a complaint under the *Canadian Human Rights Act* (or any other applicable complaint or grievance procedure).

### **Privacy and Confidentiality**

All documents relating to specific requests for accommodation will be kept confidential and will only be disclosed with the consent of the employee or applicant. CECC will comply with all requirements of the *Privacy Act* to protect personal information.

### **Recourse Rights**

If an employee or applicant believes that his or her request for accommodation has not been handled in accordance with this policy or is not satisfied with the type of accommodation offered, that employee or applicant has a right of appeal. The appeal process is set out in the accompanying procedure document.

In the event that a request for accommodation is denied on the grounds of undue hardship or any other ground, CECC recognizes the continuing right of employees or applicants to make a complaint under the *Canadian Human Rights Act*, the *Public Service Employment Act*, the *Public Service Staff Relations Act*, the *Canada Labour Code* or other complaint or grievance mechanisms.

### **Communication**

CECC will ensure that all employees are provided with a copy of the policy and procedure. In addition, all applicants will be provided with information, in an appropriate format, about both this policy and the accompanying procedure document.

### **Review**

CECC will review this policy and the accompanying procedure document annually.

### **Monitoring and Reporting**

The directors and chairperson of the human resources committee will monitor all requests for accommodation to ensure the policy and procedures have been correctly implemented.

CECC will keep records of all requests for accommodations as detailed in the procedure document and provide reports as may be required by the Government of Canada or any other authority.

### **Enquiries**

Enquiries about this policy and procedure should be addressed to the Directors.

## **Processing Requests**

### **i) Applicants/Candidates**

On receiving the request, the directors, board of directors will:

- Discuss the accommodation required and identify possible alternatives with the applicant/candidate.
- Make a decision concerning the request and, if approved, necessary action to ensure that the accommodation is provided.
- Seek specialist advice where the request would require complex changes to the selection process. Such advice should be obtained after discussion and agreement with the applicant.

Where there is a delay caused by implementing the accommodation, the applicant shall not be disadvantaged in the selection process. The applicant will be given additional time, equivalent to the delay, to complete the application process.

Parts II and III of **Form A** are to be completed and forwarded to the directors, board of directors within five working days of the accommodation request being finalized.

### **(ii) New and existing employees**

On receiving the request, the directors, board of directors shall discuss with the employee the accommodation required and whether or not there are alternatives.

CECC may require documentation from the employee to verify the need for accommodation. Information should be limited to facts relevant to identifying the appropriate accommodation. For example, in cases involving accommodation of persons with a disability, employees have a right to privacy and need only provide a description of their functional limitations, not a report on the specific nature of their disability. Medical reports should be treated as strictly confidential and circulated on a need-to-know basis only.

When an employee has requested accommodation, CECC, in consultation with the employee:

- Discuss the purpose and essential functions of the employee's job.
- Determine the precise job-related limitation.
- Identify potential accommodation and assess the effectiveness each would have in allowing the individual to perform the job optimally; and
- Identify any costs, benefits or detriments flowing from the alternatives.

Where the request involves issues outside the expertise of CECC, specialist advice may be sought. It is at the discretion of the employee and CECC to choose their specialist for advice. The advice may be obtained after discussion and agreement with the employee.

Every effort will be made to adopt the accommodation preferred by the employee. If, however, there is an equally effective accommodation available, CECC may choose to proceed with the one that is the least costly or easiest to provide.

Where the cost of the accommodation is greater than the amount for which the CECC's directors have authority, or where CECC identifies other significant potential detriments flowing from the accommodation, such as significant disruption to operations, she or he will refer the request to the board of directors for action.

CECC has authority to refuse accommodation for reasons other than undue hardship, such as believing there is insufficient evidence that the accommodation is needed or is linked to a protected ground under the *Canadian Human Rights Act* or the *Employment Equity Act*. In the event of such a refusal, she or he will advise the employee immediately of this decision, and of the right to have the decision reviewed in accordance with the Appeal Process set out below. An employee will also be advised of the right to seek legal or other counsel and the right to representation during the Appeal Process.

Where the preferred accommodation is refused, but an alternative is offered, the employee is to be advised of his or her right to have this decision reviewed in accordance with the Appeal Process.

Where the provision of accommodation raises the likelihood of undue hardship, the directors will refer the matter to the board of directors.

Parts II and III of Form A are to be completed and forwarded to the directors within five working days of the accommodation request being finalized.

## **Appeal Process**

### **(i) Applicants/Candidates**

Where a request for accommodation is refused, or the applicant believes the request has not been handled in accordance with this policy and these procedures, the applicant has a right of appeal to CECC's Board of Directors.

The applicant must advise the directors within five working days if she or he wants the decision reconsidered by the board of directors. The applicant has the right to make written submissions or to speak to

CECC's Human Resources Committee about why the request should be approved. The applicant has the right to be accompanied by an advocate.

The board of directors will make its recommendation within three working days of the appeal. The employee will be informed immediately of the decision.

If the appeal is refused, the applicant may make a complaint of employment discrimination under the *Canadian Human Rights Act* or to use any applicable complaint or grievance procedures.

### **(ii) New and existing employees**

Where a request for accommodation is refused, a less desirable accommodation approved where there are alternatives, or the employee believes the request has not been handled in accordance with this policy and these procedures, the employee has a right of appeal to the board of directors.

The employee must be advised of this right immediately by the directors.

The employee must advise the directors within five working days if she or he wants the decision reconsidered by the board of directors. The employee has the right to make written submissions or to speak to the board about why the request should be approved. The employee has the right to be accompanied by an advocate.

The board of directors will make its recommendation within three working days of the appeal. The employee will be informed immediately of the decision.

If the appeal is refused, the employee may make a complaint of employment discrimination under the *Canadian Human Rights Act* or to use any applicable complaint or grievance procedures.

### **WSIB and DMI Assistance**

CECC may work with WSIB, if a staff member is injured on the job. The attending physician will complete and submit a Form 8 to WSIB, CECC will submit a Form 7, along with any supporting documentation. The employee will be assigned a caseworker, who will liaise between WSIB and the employee. The caseworker will also provide updates to CECC.

CECC may also work with our Grouphealth Benefit provider through its Disability Management Institute (DMI), when employees with benefits need physical or mental health assistance.

**Workplace Accommodation Plan**

**Form A**

**Notification of need for accommodation**

i.

Name of Employee	Position RECE <input type="checkbox"/> Director <input type="checkbox"/> Assistant Educator <input type="checkbox"/> Cook <input type="checkbox"/>	Full Time <input type="checkbox"/> Part Time <input type="checkbox"/>
Description of Request		
Professional Assessment being requested. Yes <input type="checkbox"/> No <input type="checkbox"/>	Employee Signature	Date
Please attach supporting documents		

**Workplace Accommodation Policy**

**Clarification of Need**

ii.

Describe action taken to clarify both the need and the potential accommodations including advice sought from experts:		
Name and designation of person completing form	Signature of person completing form.	Date

**Workplace Accommodation Plan**

**Report on outcome of accommodation request**

iii.

Name of Employee	Position RECE <input type="checkbox"/> Director <input type="checkbox"/> Assistant Educator <input type="checkbox"/> Cook <input type="checkbox"/>	Full Time <input type="checkbox"/> Part Time <input type="checkbox"/>
Was the accommodation requested by the employee	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Was accommodation provided?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Authorized by Director(s) <input type="checkbox"/> Board of Directors <input type="checkbox"/>
If yes, describe the accommodation.		
If no, describe the reason.		
What was the accommodation cost?	\$	
Is the accommodation usable only by the employee i.e., computer screen, barrier free access	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date Accommodation Implemented
Date Employee informed of the outcome of their request	Date	
Date Employee informed of their appeal/complaint rights	Date	
Name and designation of person completing form	Signature of person completing form.	Date

