



London
CANADA

Accommodation of Employees with Disabilities

Procedure Name: Accommodation of Employees with Disabilities

Revision History: N/A

Last Review Date: August 2, 2019

Service Area Lead: Manager, Human Resources and Corporate Services

1. Procedure Statement

1.1. The Corporation of the City of London (“Corporation”) is of the view that the duty to accommodate is a shared one between the Corporation, its employees and its unions, where applicable. Accordingly, the Corporation expects all parties to participate in the accommodation process. The respective responsibilities and expectations of all participants in the accommodation process are set out below.

2. Definitions

2.1. **Disability:** as defined under the *Human Rights Code*,

- 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, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on wheelchair or other remedial appliance or device,
- b) a condition of mental impairment or developmental disability,
- 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 insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

3. Applicability

3.1. This procedure applies to all employees of the Corporation and encompasses both occupational and non-occupational disabilities.

4. The Procedure

4.1. The *Human Rights Code* provides the right to equal treatment in employment on the basis of disability.

4.2. The right to equal treatment without discrimination because of disability includes the right to equal treatment without discrimination because a person has or has had a disability or is believed to have or to have had a disability.

4.3. The Corporation is committed to fulfilling its obligations under the *Human Rights Code* to accommodate employees with disabilities in a manner that respects their dignity, unless the required accommodation would constitute "undue hardship" within the meaning of the *Human Rights Code*. Each request for accommodation

will be dealt with on a case by case basis.

4.4. The Corporation's Expectation of the Parties

Employee

- Take the initiative to request accommodation;
- Advise their manager and/or Human Resources - Return to Work Services or their designate, preferably in writing, of the need for accommodation and provide written medical information from the treating medical professional regarding relevant restrictions and/or limitations and prognosis;
- Provide ongoing information, including updated medical information when required;
- Undergo an independent medical examination if required;
- Participate in the accommodation process;
- Accept reasonable accommodation.

Employer

- Understand that there is a duty to accommodate;
- Assess the need for accommodation by obtaining relevant information, including medical information, about the nature of the restrictions and/or limitations and prognosis;
- Meet with the employee and union representative, if applicable, to discuss reasonable accommodation alternatives;
- Keep a record of the accommodation request and action taken;
- Understand that a provision of the collective agreement may need to be waived in order to accommodate an employee's disability;
- Consult with the Human Rights Specialists and Human Resources - Return to Work Services or their designate for guidance.

Union

- Understand that there is a duty to accommodate;
- Meet with the employee and manager and/or Human Resources - Return to Work Services or their designate to discuss reasonable accommodation alternatives;
- Participate in the accommodation process;
- Understand that a provision of the collective agreement may need to be waived in order to accommodate an employee's disability.

4.5. Accommodation Process

Accommodation process includes:

- Accommodation of the employee in their own job is most preferable;
- If accommodation of the employee in their own job is not possible, accommodation in alternative work within the employee's bargaining unit, if applicable;
- If accommodation in alternative work within the employee's bargaining unit is not possible, accommodation in alternative work outside the employee's bargaining unit, if applicable.

4.6. The provision of the procedure will be applied in conjunction and consistent with the relevant collective agreement provisions, if applicable, dealing with accommodation of employees with disabilities and the applicable Return to Work procedures.