# COLLEGE POLICY

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| Policy No. & Title: | **P-203 Employment Accommodations** |
| Policy Sponsor: | Vice President, People & Culture and Career Services |
| Reference Cmtee: | Policy & Procedure Committee |
| Effective: | 2023-07-01 |
| Next Review: | 2026-10-31 |

**Purpose**

In accordance with the Acts and the Codes (defined below), to establish guidelines and principles to eliminate or reduce barriers for people with disabilities allowing equal opportunity to employment.

**Scope**

This policy applies to all College employment candidates, employees, delivery partners, affiliates, volunteers, and contractors with supporting documentation of accommodation requirements.

**Definitions**

Employment Accommodation: Refers to strategies to equalize the employment opportunity of a person requesting accommodation in meeting essential employment requirements. Accommodation extends distinctly beyond the standard level of service provided for the general population. Accommodation will be considered appropriate if it will provide an equal opportunity to attain the same level of performance, or to enjoy the same level of opportunity experienced by others.

Religious Observance: Defined broadly, religious observance typically involves a particular and comprehensive system of faith and worship. It may also involve practices and attire to reflect an individual's observance of their faith. Religious observance is about freely and deeply held personal convictions or beliefs connected to an individual's spiritual faith and integrally linked to one's self-definition and spiritual fulfillment.

Disability: Any physical or psychological condition that limits the opportunities of a person to meet the essential requirements of a course or program. Such conditions may include, but are not limited to, attention deficit disorder, blindness or low vision, brain injury, deafness or hardness of hearing, developmental disability, learning disability, medical condition, mental illness, mobility limitation.

Regulated Professional: A medical/health care professional who is qualified and competent to assess/diagnose the associated medical/health condition, and who can provide an objective opinion and evaluation must provide supporting documentation. Only documentation from such individuals will be considered in accommodation requests.

Supporting Documentation: Medical or psychological documentation that supports and establishes the existence of a disability, related functional limitations, and the individual's accommodation needs. Where the documentation provided is not sufficient, or not from a regulated professional, the College may require further supporting documentation to be submitted.

Undue Hardship: The limit of the College's capacity to accommodate without experiencing an unreasonable amount of difficulty. The College is obligated to provide accommodation up to the point of undue hardship. This means that the College is not expected to provide accommodation if doing so would bring about unreasonable difficulties based on health, safety, financial, or other relevant considerations. The question of when undue hardship is reached must be evaluated in the context of each specific request for accommodation.

The Acts: Government legislation from the various jurisdictions in which the College operates, related to Accessibility for persons with disabilities, namely the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA), Nova Scotia Accessibility Act*, *2017 (Bill 59), the New Brunswick Human Rights Act, 2011 (Chapter 171), and The Accessible Canada Act, 2019 (Bill C-81)*.

The Codes: Government legislation from the various jurisdictions in which the College operates, related to Human Rights, where forms of discrimination are defined and prohibited, namely, the *Ontario Human Rights Act (1990)* {commonly referred to as 'the Code'}, the *New Brunswick Human Rights Act (2011)*, and the *Nova Scotia Human Rights Act (1989)*.

**POLICY**

*Principles*
The College is committed to:

- Equity: Providing equal treatment with respect to employment without discrimination.
- Individualization: Designing accommodation(s) to meet the specific circumstances of each employee or job applicant.
- Partnership: Involving the person requiring accommodation, administrators and managers of the College and any medical practitioners or other third parties with specialized expertise.
- Consultation: Involving those in the partnership in development of the accommodation plan.
- Inclusion: Insuring the person to be accommodated is involved in the process and plan design.
- Respect: For confidentiality and dignity.

*The College*

1) Shall protect the privacy and confidentiality (see Policy P-205 Confidentiality and C-405 Privacy) of those within the scope of this policy (hereafter called "individuals") and is committed to working to eliminate or reduce barriers to facilitate the employment accommodation needs of individuals.
2) Commits to providing individuals accommodation(s) that respects the person's dignity and independence.
3) Shall provide employment accommodation related to disability and/or religious observance.
    a) Such accommodation shall be individualized and can include, but is not limited to recruitment, selection, training, promotion, performance appraisal, benefits provision, and any other condition of employment where the need for accommodation may be identified.
4) Recognizes its individualization responsibility under the Codes to meet accommodation needs to the point of undue hardship and is committed to providing an equal and inclusive environment.
5) Will determine whether a proposed accommodation would cause undue hardship within the meaning of the Codes and such accommodation will vary depending on the circumstances of each accommodation request and will be considered on a case by-case basis under the principles of partnership, consultation, and inclusion.
    a) The College may also consult with regulated professionals and or seek supporting documentation to adequately inform its provision of accommodation(s).
6) Shall recognize religious observance dates which would otherwise be deemed regular working days.

*The Individual*

7) Must inform the College (if known), at the time of recruitment or employment, the request for accommodation.
8) Must provide, if requested, supporting documentation from a regulated professional identifying the need for accommodation(s).
9) Must discuss their accommodation request(s) with those individuals at the College who need to know of, and provide said accommodation(s), such as but not limited to, People & Culture and their immediate supervisor.
    a) Disclosure to colleagues is solely at the discretion of the individual.
10) Must cooperate with the College and/or regulated professionals whose expertise will assist the College and the individual in the provision of accommodations.
11) Must inform the College if the nature of the accommodation(s) needs to be altered, accompanied by new supporting documentation.

*Third Parties*

12) If an individual is funded or in other ways supported by a third-party agency (*e.g.,* WSIB, WorkSafe, CAF/Ministry of Defence) the party must cooperate with the College to assist the College and the individual in the provision of accommodations.
13) The College recognizes third parties may initiate employment accommodation requests.

**Related Policies**
A-101 Student Accommodations
P-201 Accessibility
P-205 Confidentiality
C-405 Privacy

**Supporting Documents/Forms**
*Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*
*Nova Scotia Accessibility Act, 2017 (Bill 59)*
*The Accessible Canada Act, 2019 (Bill C-81)*
*Ontario Human Rights Act, 1990*
*New Brunswick Human Rights Act, 2011*
*Nova Scotia Human Rights Act, 1989*
P-203p Employment Accommodations - Procedure