

ACCOMMODATION PROCESS FOR EMPLOYEES WITH DISABILITIES

Purpose:

This document represents a protocol to support:

- (i) the objectives of the accommodation policy; and
- (ii) the successful integration of employees with disabilities into the workplace through reasonable accommodation.

Objective:

To facilitate and encourage the integration of employees with disabilities into the workforce in a co-operative, constructive and effective manner, consistent with:

- the needs of the affected employee;
- the successful operation of the (FIRM); and
- the interests of other employees.

The Accommodation Process:

1. Communication of Accommodation Needs

The employee in need of accommodation shall communicate the need to his or her supervisor or manager who will assist the employee in understanding this accommodation process, including rights and obligations of employer and employee.

Exception to Employee Obligation to Communicate Need:

Where there has been a significant and sudden alteration to an employee's behaviour, conduct or performance, in circumstances that raise a belief that the conduct may relate to a psychological or stress-related condition, the (FIRM) should pursue relevant inquiries to determine if there is a disability issue underlying the conduct that is conflicting with the employee's ability to meet the regular expectations of the work place or his or her job. Where a condition of disability is confirmed, the employer should proceed to assess the relevant accommodation issues in accordance with this protocol.

2. Assessment of Disability

The (FIRM) will assess whether the employee has a disability that may entitle her or him to accommodation subject to undue hardship. In order to undertake this assessment, the (FIRM) requires a complete understanding of the employee's relevant medical status, restriction or precautions to properly determine appropriate accommodation options. The (FIRM) will take the necessary steps to communicate with family physicians, specialists or any other health care professionals and experts with a view to securing timely, relevant and any changing information regarding the employee's medical status, limitations and prognosis. With this obligation of the (FIRM) comes the duty of the employee desiring accommodation to cooperate in facilitating whatever sharing of information is necessary between the (FIRM) and the family physicians, specialists or any other health care professionals and experts in order to assist the (FIRM) in its assessment, including providing a consent to release of medical information.

3. Review of Medical Information Relevant to Job Function Evaluation

The (FIRM) will assess the employee's employment history, including:

- the essential (or core) duties of the current job performed by the employee;
- the physical demands of the entire job; and
- the physical demands of the essential duties.

4. Assessment of Feasibility of Accommodation in Employee's Current Position or Last Job

In determining how to accommodate an employee with a disability, the first step is to determine essential duties as defined in the job description. The (FIRM) will identify any conflict(s) between the essential job duties and the specific restriction of the employee and assess the steps required to facilitate the employee's ability to perform the essential duties of his or her job.

Flexibility in considering the way functions can be performed is necessary in order that the person being accommodated can achieve outcomes in a way which may be different from traditional methods. Accommodation of non-essential duties may be accomplished by using an alternate method for fulfilling these functions.

Where the (FIRM), assisted by the medical and other information reviewed, concludes that the essential duties of the employee's current position or last job cannot be performed with accommodation, the (FIRM) will assess accommodation alternatives other than the employee's own job, which will be shared with the employee to consider his or her comments and input.

5. Identifying and Assessing Other Accommodation Options

When the employee cannot be accommodated in their own position, it may be reasonable to accommodate the individual in another position, and in such cases the (FIRM) will attempt to place the employee in another available position.

The factors which will be considered in determining whether the individual will be placed in an alternate position include:

- a) Whether the individual can perform the essential duties of the alternate position;
- b) Assessing whether any inability to perform essential duties due to the disability can be resolved by modifying or adjusting the job, working conditions, work expectations or workplace so as to enable the employee to perform the essential duties of other available work.
- c) Whether the individual is currently qualified for the alternate position or can be trained to perform it within a reasonable time;
- d) Whether placing the individual in the alternate position would result in undue hardship;
- e) Whether the alternate position is acceptable to the individual seeking accommodation.

6. Undue Hardship Consideration and Least Disruptive Approach

Where there are several accommodation options that will facilitate the employee's continuance in the workplace, the (FIRM) will select a job(s) for the employee based on the following considerations:

- (i) what option requires the least accommodation, provided such accommodation will permit the employee to perform the essential duties of the job, having regard to factors such as the configuration of jobs currently performed by employees, classification schemes, costs of equipment or training, convenience or inconvenience to the employer or other employees, disruption to the organization, or disruption to other employees, including interference in the acquired seniority of another employee;
- (ii) which of the potential placements are comparable to the last job performed by the employee in terms of compensation, classification and such other factors as the (FIRM) considers appropriate.

In circumstances where the only possible accommodation option available to ensure the employee's participation in workplace activity would result in disruption to the organization or other employees or interference with seniority rights, such recommendations shall be made notwithstanding the general guidelines set out in item (ii) above.

7. Seeking Input into Recommendations

The (FIRM) will meet with the employee with the accommodation need to review the accommodation options and receive the employee's input. The (FIRM) will consider the employee's concerns and suggestions, if any, prior to finalizing its recommendation for reasonable accommodation.

8. Implementation of Selected Accommodation

After finalizing an accommodation the (FIRM) will proceed to take all the necessary steps to implement and facilitate the accommodation initiative, including:

- Step I: Meet with the employee to be accommodated to communicate the details of the accommodation initiative.
- Step II: Confirm in writing to the employee to be accommodated the details of the accommodation initiative, including:
- identification of position;
 - outline of the specifics of accommodation (specific duration, details of any modification of duties, working conditions, etc.)
 - identify timing for and specifics of any review or reassessment of the accommodation initiative.
- Step III: Pursue relevant communications with appropriate supervisors or managers and other employees (for employees affected by accommodation) regarding the details of the accommodation initiative (bearing in mind privacy of medical information). The purpose of such communications is to facilitate co-operation and support and prepare the supervisor or manager to manage within the accommodation initiative.

9. Maintenance of Documentation

The (FIRM) will maintain accommodation assessment files for any employee identified with a need triggering the duty to accommodate. The (FIRM) will ensure that all correspondence, notes and documentation generated in the course of pursuing accommodation assessments and initiatives is retained in the employee's accommodation file. Such documentation will include, but is not limited to, all correspondence, medical information, written confirmation of restrictions, physical demands analysis, notes of accommodation assessments, summaries of accommodation options, written confirmations of terms of accommodation initiatives implemented, and employee input.