




POLICY/GUIDELINE

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APPROVED:	Chief Executive Officer	ORIGINAL:	December 2013
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ACCOMMODATION IN EMPLOYMENT FOR PERSONS WITH DISABILITIES

This document provides guidelines and direction regarding the accommodation in employment for Nipigon District Memorial Hospital employees and job applicants with disabilities who may require accommodations during the hiring process, as defined in the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act. It also provides a clear statement on the obligations and responsibilities inherent in this accommodation process.

Nipigon District Memorial Hospital will accommodate an employee with a disability in order for such employees to be able to perform the essential duties of their job, or an alternate position that may be available, in accordance with the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act. The Hospital will also endeavor to accommodate job applicants with a disability during the hiring process in accordance with the Ontario Human Rights Code guidelines and the Accessibility for Ontarians with Disabilities Act.

DEFINITION

- accommodation - Accommodation is an adaptation or adjustment made to support a person with a disability in the performance of an essential duty or requirement of the position. Such requirements must be reasonable and bona fide in the circumstances.
- undue hardship - The Ontario Human Rights Code prescribes three considerations in assessing whether an accommodation could cause undue hardship: cost, outside sources of funding, and health and safety considerations. A determination that an accommodation will create undue hardship may be made by Senior Management. The employee and, if applicable, the employee's union or association, will be consulted regarding the range of available options.

CONFIDENTIALITY

Personal information concerning an employee's disability cannot be released without the prior written consent of the individual, and must be managed in a manner that is consistent with the Hospital's privacy policies and applicable privacy legislation. In order to facilitate the accommodation process, it is expected that employees will provide information, including information from health care providers, where reasonably required, in order to implement accommodations in accordance with the Ontario Human Rights Code.

Where the accommodation process requires the release of confidential information to a third party, the third party and any person or department delegated by that third party, will be required to ensure that confidentiality is protected, that the information obtained is kept in a secure location, and that it is used solely for the purpose that the release was required.

THE DUTY TO ACCOMMODATE

General Principles

Employees with disabilities have the right to work in an environment that is respectful of their dignity. Human dignity encompasses individual self respect and self worth. It is concerned with physical and psychological integrity and empowerment.

The Hospital will develop accommodation solutions in a manner that respects the dignity of employees with disabilities.

Inclusion and Full Participation

The Hospital will make efforts to build or adapt the work environment to accommodate employees with disabilities in a way that promotes their inclusion and full participation. Preventing and removing barriers means employees should be able to access their environment and face the same duties and requirements with dignity and without impediment.

Individual Accommodation

A request by an individual for accommodation should be accompanied by documentation deemed satisfactory by the Hospital, outlining the specific restrictions arising from the disability.

Accommodation will be assessed on an individual basis with appropriate expertise from within and outside the Hospital, as necessary. The senior manager will serve as a resource to the employee and/or department in any case requiring the accommodation of an employee currently in the workplace, or an attempt to return an employee to the workplace as a result of an absence due to illness or accident. It is expected that the employee requiring accommodation will be involved in all levels of discussion to reach a solution.

THE ACCOMMODATION PROCESS

The principles of respect for dignity, individualization, and inclusion and full participation apply both to the substance of an accommodation and to the accommodation process. The manner in which an accommodation is provided and the methods by which it is implemented are subject to human rights standards.

While the Hospital is responsible for all decisions with respect to accommodation, at the heart of the accommodation process is the responsibility, shared by all parties, to engage in meaningful dialogue about accommodation, and to seek out expert assistance as needed. Everyone involved should cooperatively engage in the process, share information within the boundaries of confidentiality, and avail themselves of potential accommodation solutions.

General Guidelines

- Accommodation should address current employment limitations only, unless future limitations are known and can reasonably be accommodated coincident with the current accommodation required
- Accommodation shall address the needs of the employee which directly relate to the employment or the needs of the job applicant, or which directly relate to a hiring process
- The employee shall participate in all stages of the accommodation process together with the appropriate department. Other participants in the process may include as appropriate, the union, health care providers and insurers
- The Hospital shall attempt to re employ an employee who has been unable to work as a result of disability, in a manner which is consistent with the Hospital policies and procedures
- The nature of the accommodation provided may include the following types of accommodation, as appropriate:
 - Human support services
 - Technical aids and devices
 - Workstation and/or minor office modifications
 - Position redesign
 - Reassignments and alternative jobs
 - Flexible or alternative work schedule
 - Temporary rehabilitative assignments
 - Retraining plans

Short Term Accommodation of Disabilities in Employment

If a disability prevents an employee from fulfilling the essential duties of their position for a temporary period, the Hospital shall endeavor to provide accommodation to the employee. The objective of the short term accommodation is the graduated return of an employee to full duties. A short term accommodation typically includes modified hours and/or duties for a limited period of time and may include ergonomic interventions.

- All requests for short term accommodation shall be directed to the Senior Manager.
- The Senior Manager shall meet with the employee to explain the work accommodation process and to obtain relevant medical information surrounding medical limitations and restrictions. The employee may request that union representation be present at such meetings. The Senior Manager shall then prepare an appropriate accommodation plan for the approval of the employee's department.

- Elements of an accommodation plan include:
 - All work related medical restrictions
 - The goal of the plan
 - All accommodation measures
 - The timeframe associated with each accommodation measure
 - Accountability for each accommodation measure and the overall accommodation plan

- An accommodation plan, once established, shall be amended as necessary to reflect changed circumstances

Long Term Accommodation of Disabilities in Employment

The Hospital shall endeavor to provide long term accommodations to enable an employee with a disability to fulfill the essential duties of the position. Long term accommodation typically includes modification of a work space, equipment, and/or duties.

- All requests for long term accommodation shall be directed to the Senior Manager.

- The Senior Manager shall meet with the employee to explain the process and obtain relevant information such as medical information surrounding limitations and medical restrictions, and releases. The employee may request that union representation be present at such meetings.

- The Senior Manager shall contact the department head to obtain information about the position.

- At any stage, an independent medical assessment may be required. The Senior Manager shall provide the employee's department with the assessment so that the department can determine if long term accommodation is viable.

- If approved long term accommodation cannot be provided immediately, a short term accommodation plan may be developed as an interim measure.

- The Hospital shall determine whether:
 - the employee can perform the essential duties of their current position with an accommodation
 - the employee should receive further intervention, such as work hardening, before an accommodation can be provided
 - the employee's limitations cannot be accommodated in their own position, and, if so, whether they can be accommodated in another available position

- The Hospital shall continue to use best efforts to accommodate an employee in a position for which the employee is qualified, in accordance with the Hospital's policies/procedures and union agreements. The employee must be qualified and able to fulfill the essential duties of the position, with accommodation if necessary.

Accommodation of Disabilities in the Hiring Process

Job postings shall include a statement indicating that accommodation is available for potential applicants with disabilities. Upon request, all job postings will be made available in alternative format.

Accommodation may be provided to an applicant at any time during the hiring process.

Applicants may request accommodation at any time during the hiring process.

Accommodation for job applicants shall be coordinated through the Senior Manager. Queries concerning accommodation shall be directed to the Chief Executive Officer through the Administration Office.