



# Accommodation For Employees With Disabilities Policy

**Category:** Human Resources  
**Responsibility:** Associate Vice-President, Human Resources  
**Issue Date:** November, 1994; updated February, 2010  
**Next Review:** February, 2012

## INTRODUCTION

Brock University is actively committed to the principles of equality, diversity and inclusion in the workplace, including the establishment of employment practices that ensure that there are no discriminatory barriers that interfere unreasonably with employment opportunities, subject only to the principles of Employment Equity as set out in the University's Employment Equity policy which has been put into place to address historic equity issues impacting certain disadvantaged groups identified in the policy.

The Ontario Human Rights Code defines disability in Section 10(1). The Code requires that persons whose disabilities preclude them from fulfilling the essential duties or requirements of their jobs, or who cannot meet bona fide and reasonable occupational requirements be accommodated with respect to employment unless the accommodation causes Brock University undue hardship.

Accommodation in employment enables the employee to perform the duties and fulfill the requirements of the job and to participate in training and career development opportunities at the University. It means making changes to the work environment to allow for the use of the skills of an employee with a disability in order that the essential requirements of the job may be met.

This policy describes how the University will meet its responsibilities with regard to reasonable accommodation. However, it is recognized that for any accommodation to be successful the person with the disability and, where the employee is covered by a collective agreement, the employee's union, also have a responsibility to be cooperative in finding an appropriate accommodation.

The following statement, therefore, takes into account the University's Mission Statement and the requirement of the Ontario Human Rights Code, 1990, which calls for the reasonable accommodation of employees and applicants for employment with a disability.

## PURPOSE

The purpose of this policy is to:

- provide a clear statement of the obligations and responsibilities, required of the University by the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act (AODA), and any other relevant legislation, and inherent in the University accommodation process,
- to recognize the obligations of employees and unions in the accommodation process, and
- provide guidance and standards for the implementation of this Policy.

## SCOPE

The policy applies to all employees and applicants for employment who have a disability requiring accommodation.

## DEFINITION

Accommodation:

An adaptation or adjustment made to enable a person with a disability to perform the essential duties or requirements of the position. The requirement, qualification or factor must be reasonable and bona fide in the circumstances. Examples of accommodation include:

- Workstation and/or minor office modifications
- Temporary alternative work
- Flexible or alternative work schedules
- Temporary rehabilitative assignments (return to work)
- Temporary relocation from an area where environmental sensitivity resulting in illness that is medically supported prevents performance of essential duties.

Essential requirements:

The core functions of a job, having regard to productivity (both in terms of the amount of work product and the timeliness of the work product) and the importance of any function.

Disability (as defined in the Ontario Human Rights Code Section 10 (1))

(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 a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a 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*

## POLICY

1. Accommodations assist in the inclusion of persons with disabilities into employment activities.
2. Individuals are to be accommodated in ways which respect their dignity.
3. Accommodation is to be made only for those disability related needs disclosed by the employee or applicant which impact on employment.
4. Accommodation needs are to be addressed in a way that is consistent with responsible financial management and operational requirements, and does not pose an undue hardship on the University.
5. Accommodation requirements are determined on person-by-person basis by ensuring that each employee with a disability is considered, assessed and accommodated individually, while maintaining a process that is consistent with the principles of confidentiality, to the degree possible, and shared responsibility.
6. The accommodation process requires the involvement and co-operation of the employee who requires the accommodation and, if the employee is represented by a union, by the employee's union.
7. The University is committed to achieving a culture and work environment that is supportive of employees with disabilities.

In accordance with these principles, reasonable accommodation will be made on a case by case basis to meet the specific needs of employees and applicants, and systemically to make the University as a whole accessible to employees and applicants with disabilities.

The purpose of reasonable accommodation is to enable a person to perform at least the essential requirements of the job as defined in the job posting and/or job description relating to that job. The University is not required to create a job or so significantly alter a job as to have a different job in order to accommodate an applicant or an employee.

## RELATED POLICIES

Employment Equity Policy

Respectful Work and Learning Environment Policy