

THE CORPORATION OF THE CITY OF VAUGHAN

CORPORATE POLICY

POLICY TITLE: **ACCOMMODATION POLICY**

POLICY NO.: Policy number to be assigned by Policy Coordinator.

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| Section: | Human Resources | | |
| Effective Date: | Click or tap to enter a date. | Date of Last Review: | Click or tap to enter a date. |
| Approval Authority: Administration | Policy Owner: DCM, Corporate Services & CFO | | |

| POLICY STATEMENT |
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| <p>The City of Vaughan strives to foster an environment that is accessible, diverse, inclusive and equitable. We are committed to treating all people with dignity and respect.</p> <p>Through this policy, the City of Vaughan aims to fulfil its duty to accommodate through its employment practices, facilities and offered services by providing accommodations at the request of persons and/or groups that require them under the prohibited grounds as outlined in the Ontario Human Rights Code and Respectful Workplace Policy (Human Rights and Anti-Discrimination/Harassment) Policy.</p> |
| PURPOSE |
| <p>This policy is intended to provide an outline of the City of Vaughan's commitment to accessibility and accommodation as it pertains to all employment activities and services. These activities include but are not limited to equal access to recruitment, performance assessment, and hiring activities for all individuals, and equal access to</p> |

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orientation, non-discriminatory working conditions, promotion opportunities, training, performance management and career development for all employees.

SCOPE

This Policy applies to all City Employees and Members of Council.

LEGISLATIVE REQUIREMENTS

The City recognizes and commits to its obligations under the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*, *Integrated Accessibility Standards Regulation*, the *Ontario Human Rights Code (OHRC)*, and the *Municipal Freedom of Information and Protection of Privacy Act* and any other applicable legislation.

DEFINITIONS

Accessible or Accessibility refers to providing independent, equitable and dignified access to products, devices, information, services, facilities or public spaces for people with disabilities, including but not limited to those with visual, auditory, sensory, cognitive and mobility related disabilities. The concept of accessible design ensures both “direct access” (i.e. unassisted) and “indirect access,” referring to compatibility with a person’s assistive technology.

Accommodation Process refers to the process of identifying and removing barriers that prevent individuals in a protected class from participating fully in society on an equal basis with others, as required by the *Ontario Human Rights Code (OHRC)*.

Duty to Accommodate refers to the obligatory actions of an employer to remove barriers that prevent individuals who are physically, systemically or otherwise barred from participation in City services according to the protected grounds outlined in the OHRC to the point of Undue Hardship.

Employee includes City employee, student, intern or volunteer.

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Employment Accommodation refers to the obligation that an employer has, to the point of Undue Hardship, to ensure that barriers are removed from the workplace such that an employee can fully participate without discrimination.

1. **Individual Accommodation** – An adaptation or adjustment that may be required to enable an employee to perform their essential job duties effectively and/or a service recipient to participate in a City program. For employees, this may involve purchasing equipment, modifying some duties or hours of the job, reassignment of the employee, or providing additional supports such as sign language interpretation. For service delivery, this may involve modifying facilities and programs. This may include temporary or permanent accommodations, dependent upon the accommodation request.
2. **Universal Accommodation** – A proactive process of identifying and eliminating barriers for everyone within a protected class. This can be done through the initial design and/or modification of facilities, policies, programs, procedures and practices, and ensuring that potential barriers are identified and removed. In some cases, new policies, programs, procedures and practices may be introduced to eliminate barriers and achieve equitable outcomes.

Undue Hardship refers to the extent to which an employer, facility and/or service provider must attempt to accommodate the needs of an employee, job applicant and/or service recipient who has demonstrated that accommodation is required on grounds protected in the OHRC. Three factors may be considered in determining whether accommodating an individual would meet the point of “undue hardship”:

1. Cost of the accommodation;
2. Outside sources of funding, if any, i.e., whether the City can access special funding such as grants to alleviate some of the direct costs of the accommodation;

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3. Health and safety requirements, if any.

Roles and Responsibilities

City Employees:

- Identify needs and initiate requests for accommodation
- Offer evidence to support the identification of accommodation requirements and aid in the evaluation of potential solutions as needed
- Participate in good faith, in the assessment and implementation of accommodation solutions

City Manager, Deputy City Managers and Directors:

- Promote awareness of the AODA and this Policy
- Ensure resources are budgeted for identifying and preventing accessibility barriers and for barrier removal
- Provide oversight for the implementation of this Policy and compliance with the AODA within their respective area of responsibility

Directors, Managers and Supervisors:

- Manage the accommodation process by individually assessing requests in good faith, considering all options, resolving disagreements, and documenting, monitoring and evaluating employment, service and facility accommodation solutions
- Consult the Diversity and Inclusion Officer and Office of the Chief Human Resources Officer before denying an accommodation request

Office of the Chief Human Resources Officer:

- Provide advice to support management in the assessment and implementation of accommodation

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- Ensure accommodation is incorporated into human resources policies, processes, practices, etc. (e.g., Emergency Response process)
- Provide accommodation guidance related to collective agreements and working with the City's unions to address potential collective agreement barriers

POLICY

1. Systemic Assessments

The City will conduct periodic proactive reviews as required of existing policies, rules, practices and procedures to identify and eliminate barriers to access and inclusion.

2. Individual Assessment

Accommodation is assessed and delivered on an individual basis. Each request must be considered individually in order to assess appropriate accommodation and if an accommodation is warranted. The City shall ensure that requests for accommodation are handled promptly so individuals can fully participate in all aspects of employment, use of facilities, and service provision, except where evidence does not support the need for accommodation or where undue hardship can be demonstrated.

3. Dignity, Privacy and Confidentiality

The City shall ensure that individuals be accommodated in ways that respect their dignity and right to privacy. Information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of assessing and implementing accommodation options and solutions. The City will comply with all privacy, confidentiality and security requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.

4. Performance Standards

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Employees who are being accommodated are still expected to competently perform all tasks and duties assigned to them. In certain circumstances, productivity levels may be temporarily or permanently adjusted as a form of reasonable accommodation.

5. Inclusion

The City shall ensure programs, policies, systems, facilities, services, etc. are designed and administered to foster the full integration of diverse individuals and groups protected under the OHRC.

6. Legal Obligations and Limits

Exploring accommodation is a legal obligation for all employers, facility and service providers under the OHRC and related jurisprudence; failure to explore requests for accommodation in good faith related to any of the OHRC's prohibited grounds may constitute discrimination and a breach of the OHRC. Even where it is determined that an accommodation is not required, the City has a legal duty to fully explore every request for accommodation in good faith.

ADMINISTRATION

Administered by the Office of the City Clerk.

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| Review Schedule: | SELECT If other, specify here | Next Review Date: | Click or tap to enter a date. |
| Related Policy(ies): | 01.C.01 - Accessibility.pdf 13.C.01 - Respectful Workplace Policy (Human Rights and Anti-Discrimination/Harassment).pdf 13.C.03 - Workplace Violence.pdf Accessibility Standards for Customer Service Policy Disability Management Program | | |
| Related By-Law(s): | | | |

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| Procedural Document: | |
| Revision History | |
| Date: | Description: |
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