



Workplace Accommodation Policy for Workers with Disabilities – A Sample

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THE LEGISLATIVE CONTEXT

This resource reflects the *Accessibility for Ontarians with Disabilities Act (AODA)* as well as federal requirements related to accessibility and accommodation. The tool will likely be compliant with similar legislation from other jurisdictions; however, consult your own provincial or territorial standards to confirm the specifics of your legislative requirements.

In any jurisdiction, employers who consistently put these principles into practice will lead the market in their employment practices for persons with disabilities.

Provincially Regulated in Ontario: Companies with 50+ employees are required under *Accessibility for Ontarians with Disabilities Act* to have a written process for the development of documented individual accommodation plans for employees with disabilities.

WORKPLACE ACCOMMODATION POLICY FOR WORKERS WITH DISABILITIES

STATEMENT OF COMMITMENT

[Company Name] is committed to providing an accessible working environment that is inclusive of all persons, is free from discrimination, and where every employee is treated with dignity and respect.

Our commitment also includes providing workplace accommodation to individuals who may become or currently are employees of [Company Name] (or “the Company”). This ensures that individuals with disabilities can access employment through adjustments or modifications to their working conditions and without causing undue hardship to the Company.

PURPOSE

The purpose of the Workplace Accommodation Policy is to ensure that all employees and potential employees of [Company Name] are aware of their rights and responsibilities under the relevant legislation [such as, [Canadian Human Rights Act](#) or [Accessibility for Ontarians with Disabilities Act](#)] with respect to accommodation.

[Company Name] also wants to ensure there is a fair and effective policy in place that outlines the organization’s procedures for accommodation and the responsibilities of all parties involved in the accommodation process.

SCOPE

This policy applies to any [Company Name] employee with a disability, including full and part-time, seasonal, and contract employees. It also includes job applicants who may require accommodation during the selection process.

DEFINITIONS

Inclusive Workplace: Describes a work environment where all employees can participate and contribute to the organization through completion of their work tasks in a way that is free from barriers.

Disability: (These are taken from the *Accessibility for Ontarians with Disabilities Act*; other jurisdictions have similar definitions.)

- a) any degree of physical disability, infirmity, malformation, or disfigurement a person is born with or that is caused by bodily injury, birth defect or illness;
- 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*.

Barrier: (These are taken from the *Accessibility for Ontarians with Disabilities Act*; other jurisdictions have similar definitions.) Anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy, or a practice.

Accommodation: The process of taking steps to adjust policies, practices or procedures that have a negative impact on an individual or group that is protected from discrimination under the [Canadian Human Rights Act](#) and the [Accessibility for Ontarians with Disabilities Act](#).

Individual Accommodation Plan (IAP): A formalized document outlining the accommodation arranged between the Company and the employee.

Undue Hardship: A situation that occurs when accommodation adjustments to the workplace would create a detrimental financial impact to the company or create undue risks to health or safety.

Bona Fide Occupational Requirement: A bona fide occupational requirement can generally be defined as a workplace rule, policy, standard or criterion that is required to complete the work or duties of a particular position. For example, individuals employed as truck drivers must meet vision standards and have an appropriate driver's license.

RESPONSIBILITIES

Accommodation is a shared responsibility among employees, supervisors and [Company Name]. As the employer, we will facilitate accommodations in accordance with the *Canadian Human Rights Act*, the *Accessibility for Ontarians with Disabilities Act*, and other relevant employment standards.

The Company

[Company Name] will eliminate barriers that prevent individuals from being included in the workplace and will ensure that all employees and job applicants are advised of their right to be accommodated. It is also the responsibility of the Company to make sure this policy is consistently applied and effectively implemented.

Management

Supervisors/managers are responsible for fostering an inclusive work environment and dealing with requests for accommodation in a confidential and timely way. They will also be accountable for discussing accommodation needs, identifying accommodation options, and clarifying information that will be needed from the employee in order to provide the accommodation.

[Company Name] also has a legal obligation to inquire if we suspect an employee may have a disability, or when we reasonably ought to be aware that an employee might have a disability; it is often an individual's supervisor who will initiate these discussions.

Employees and Job Applicants

Employees and potential employees should make their accommodation needs known. They do not need to provide specific details or a diagnosis but only the effects that require the need for accommodation. Employees and job applicants should also participate in determining options for accommodation and provide any required documentation to support their needs.

PROCEDURES

[Company Name] will develop individual accommodation plans for employees with disabilities of which we are made aware. These plans formally document the workplace-related accommodations that [Company Name] will provide to the employee.

When a request for a disability-related accommodation is made, the following steps will be taken by the Company.

- 1) A need for accommodation can be requested by the employee to their supervisor or it can also be identified by the employee's supervisor. Once the need is raised, that supervisor will acknowledge the request and take steps to move through the accommodation process in a timely manner.
- 2) The supervisor and employee will collaborate to determine the best options for accommodation. While we do not need details about the nature of the employee's disability, we may require information about the employee's functional abilities. In addition to gathering information, there may be a need to consult other participants in this process such as an external expert, physician, union representative or designated representative from the Company.
- 3) Once the most suitable accommodation has been identified and agreed to, an Individual Accommodation Plan is documented and provided to the employee in a format that considers their accessibility need due to their disability.
- 4) The employee and their supervisor will monitor the Individual Accommodation Plan to ensure it has effectively removed the barrier. The Plan will establish regular review dates and will also be reviewed if the employee's work location or position changes or if the accommodation is no longer appropriate.

An employee's request for an Individual Accommodation Plan may be denied in the following situations:

- The employee can complete their job duties satisfactorily without an accommodation;
- The independent regulated health professional does not support the employee's request for an accommodation due to disability; and
- Based on review and analysis of all considerations pertaining to the accommodation, it has been proven the result would cause undue hardship to [Company Name] (e.g., creates a health or safety risk or an unsustainable financial burden to the Company).

PRIVACY AND CONFIDENTIALITY

The organization will maintain the confidentiality of information related to an accommodation request and will only disclose this information with the consent of the employee or applicant.

POLICY REVIEW

This policy has been created to overcome barriers and improve accessibility for persons with disabilities. To ensure that our policies continue to respect and promote the dignity and independence of persons with disabilities, [Company Name] will review this policy as deemed necessary based on business or legislative change requirements, or no less than once every three years.

ACKNOWLEDGEMENT

I acknowledge that I have read and understand the Workplace Accommodation Policy. I agree to comply with this Policy and its guiding principles.

Name (*Print*):

Signature:

Date:

Effective Date:

Revision Date: