

**AODA: EMPLOYMENT STANDARDS POLICY AND PROCEDURE**

**BACKGROUND**

Northern College commits to provide accommodation for needs related to the grounds of the Ontario *Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission’s *Policy on Disability and the Duty to Accommodate*.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. Northern College will work cooperatively, and in a spirit of respect, with all partners in the accommodation process in compliance with the *Accessibility for Ontarians with Disability Act*.

**PURPOSE**

The purpose of this policy and procedure is to:

- Ensure that all members of the organization are aware of their rights and responsibilities under the Ontario *Human Rights Code* with respect to accommodation;
- Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

**SCOPE**

This policy applies to all employees, including full-time and part-time, as well as those who work to gain experience or for benefits, such as volunteers, co-op students, and interns. It also applies to individuals who are applying for employment with the organization.

It applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work.

It applies to all organization locations.

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All new and existing employees will have access to this policy and procedure. All job applicants who are selected for an interview will be notified of the this policy and procedure prior to the interview.

**ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS FOR EMPLOYEES**

Northern College will ensure that all information and communication is available in accessible formats or with communication supports upon request. This includes information that is needed by an employee in order to perform their job and information that is generally available to all employees in the workplace. The employer shall consult with the employee making the request in determining the suitability of an accessible format or communication support.

**RETURN TO WORK PROCESS**

Northern College has an Attendance and Disability policy, which is located on Noraction under the Human Resources Policies page. This policy outlines the steps that the college takes to facilitate the return to work of employees who were absent due illness or injury. The Attendance and Disability policy outlines the ways in which accommodations are provided to employees, where necessary, and creates a suitable return to work plan that meets the needs of the employee.

**REQUESTS FOR ACCOMMODATION**

Requests for accommodation should be made to the employee’s manager.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The *Code* ground with respect to which accommodation is being requested;
- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation; and
- The specific needs related to the *Code* ground.

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

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**PROVISION OF INFORMATION**

The Manager or the Human Resource Services Manager may require further information related to the accommodation request, in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a *Code* ground;
- Where further information related to the employee’s limitations or restrictions is required in order to determine an appropriate accommodation;
- Where there is a demonstrable objective reason to question the legitimacy of the person’s request for accommodation.

Where expert assistance is necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

The Human Resource Services Manager will maintain information related to:

- The accommodation request;
- Any documentation provided by the accommodation seeker or by experts;
- Notes from any meetings;
- Any accommodation alternatives explored; and
- Any accommodations provided.

This information will be maintained in a secure location, separate from the accommodation seeker’s personnel file, and will be shared only with those persons who need the information.

**PRIVACY AND CONFIDENTIALITY**

Northern College 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.

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**ACCOMMODATION PLANNING**

Accommodation requests will be dealt with promptly. When necessary, interim accommodation will be provided while long-term solutions are developed.

The Manager, the person requesting accommodation related to a *Code* ground and, where appropriate, a Human Resource Services Manager and any necessary experts will work together cooperatively to develop an Individual Accommodation Plan for the employee.

The Individual Accommodation Plan, when agreed on, will be put in writing, and signed by the individual requesting accommodation, the Manager, and the Human Resource Services Manager.

An accommodation plan may include the following:

- A statement of the accommodation seeker’s relevant limitations and needs, including any necessary assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports;
- Arrangements for necessary assessments by experts or professionals;
- Identification of the most appropriate accommodation short of undue hardship;
- Clear timelines for the provision of identified accommodations;
- Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary; and
- An accountability mechanism.

**APPROPRIATE ACCOMMODATIONS**

The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include:

- Work station adjustments
- Job redesign
- Modifications to organizational policies and practices
- Technical aids
- Provision of materials in alternative formats

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- Building modifications
- Counselling and referral services
- Temporary or permanent alternative work
- Modification of performance standards
- Leaves of absence
- Changes to scheduling or hours of work
- Changes to work uniforms

This list is not exhaustive.

**MONITORING ACCOMMODATIONS**

The Manager and the person receiving accommodation shall monitor the success of the Accommodation Plan, and shall promptly address any deficiencies or any relevant changes in the workplace or the employee’s needs.

**UNDUE HARDSHIP**

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission’s *Policy and Guidelines on Disability and the Duty to Accommodate*. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the President of Northern College.

Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of his or her recourse under the *Ontario Human Rights Code*.

Where a determination has been made that an accommodation would cause undue hardship, Northern College will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

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**RESPONSIBILITIES:**

**Managers**

- managers are responsible for demonstrating leadership in supporting a work environment that is respectful of everyone involved. In the employment accommodation process.
- informing employees proactively about their rights and options in relation to the individual accommodation process.
- ensuring, during recruitment, that job applicants are made aware of the individual accommodation process.
- seeking advice and guidance from Human Resource Services when appropriate.
- consulting with a Human Resource Services Manager if medical information about the disability is required to support the individual accommodation process.
- respecting the confidentiality of disability-related information. Managers are not permitted to ask an employee to disclose a disability.
- obtaining the employee’s consent to collect any medical information required to support the individual accommodation process.
- working collaboratively with the employee and any third-party participants, such as Union representatives or external experts, in the individual accommodation process.
- exploring, in cooperation with the employee, a range of individualized employment accommodation solutions that respect the dignity of the employee.
- addressing issues around co-worker cooperation for the proposed individual accommodation solutions.
- formalizing, implementing and adhering to the Individual Accommodation Plan in a timely manner. (Appendix A)
- formalizing, implementing and adhering to the Individual Emergency Response Information Form if the disability is such that individualized emergency response information is required. (Appendix B)
- monitoring and revising the Individual Accommodation Plan in cooperation with the employee, to respond to changes in employee or operational needs or circumstances.

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- advising the employee about upcoming operational changes that may cause them to need new or different forms of employment accommodation.

Managers should also be aware of the need to determine how any costs associated with the employment accommodation will be covered.

### **Employees**

The responsibilities of employees with disabilities who need individual accommodation in order to perform their job duties and fully participate in the workplace include:

- identifying needs for individual accommodation that relate to their ability to perform the duties of their job or participate fully in the workplace, and bringing these to the attention of their manager.
- cooperating with requests from their manager, in consultation with a Human Resource Services Manager, for disability-related information about their functional capabilities, limitations and prognosis, to provide clear and sufficient information to support individual accommodation to address workplace barriers.
- cooperating with requests (as above) to undergo independent medical evaluations, when required, to support individual accommodation.
- collaborating with their manager in developing an individual accommodation plan that meets their need for accommodation and treats them with dignity.
- adhering to the Individual Accommodation Plan, monitoring how well it is working, and advising their manager promptly about any difficulties.
- advising their manager promptly of any changes in their disability-related needs that may require changes to their Individual Accommodation Plan (see Appendix A).
- working with their manager to develop an Individual Emergency Response Information Form if the disability is such that individualized emergency response information is required. (Appendix B)

All employees are responsible for treating co-workers who require an individual employment accommodation plan with dignity and respect and supporting a co-worker's individual accommodation plan.

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**Human Resource Services**

- providing advice and coaching to managers about relevant legislation, collective agreements and individual accommodation plans for employees with disabilities.
- guiding managers through the individual accommodation process.
- safe-guarding the confidentiality of an employee’s personal information.
- seeking advice from external experts, such as when advice from an outside medical or other expert is required to help determine possible accommodation solutions.
- helping managers access external experts to assess employment accommodation solutions to address the employee’s capabilities and needs.
- consulting with the relevant union leadership when a proposed individual employment accommodation solution would be inconsistent with provisions in the collective agreement with the employee’s union, or with the rights of other represented employees.

Approved:

Fred Gibbons, President:

Date:

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**Appendix A  
Individual Accommodation Plan**

Under section 28(1) of the Employment Standard-Documented Individual Accommodation Plans-employers (other than small businesses) are *required* to develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's Title/Department: \_\_\_\_\_

Manager: \_\_\_\_\_

Limitations	Job-related tasks/activities affected by limitations	Is this an essential job requirement?

Sources of expert input into the individual accommodation plan (e.g., human resources manager, family doctor, specialists):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Accommodation measures are to be implemented from \_\_\_\_\_ to \_\_\_\_\_  
(start date)

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\_\_\_\_\_  
(end date)

If no end date is expected, the next review of this accommodation plan will occur on

\_\_\_\_\_  
(review date)  
(The accommodation measure(s) should be reviewed annually, at a minimum.)

**Description of Accommodation Measure(s)**

Which job requirements and related tasks require accommodation?	What are the objectives of the accommodation (i.e., what must the accommodation do to be successful)?	What accommodation strategies/tools have been selected to facilitate this task/activity?

**Roles and Responsibilities**

Outstanding actions to implement accommodations	Assigned to	Due Date

**Mandatory Review Date:** \_\_\_\_\_

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\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resource Services

\_\_\_\_\_  
Date

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**APPENDIX B  
INDIVIDUALIZED EMPLOYEE EMERGENCY RESPONSE INFORMATION FORM**

Under section 27 of the Employment Standard-Workplace Emergency Response Information-all Ontario employers *are required* to provide individualized workplace emergency response information to employees with disabilities, if the disabilities are such that the individualized information is necessary and the employers are aware of the need for accommodation due to the employee’s disabilities.

This form can be used to document the workplace emergency response information for an employee with a disability and can then be added to her individual accommodation plan, if applicable.

**INSTRUCTIONS**

Use this form to create an individualized workplace emergency response for each employee with a disability. Modify this form if an employee needs different types of accommodations for different types of emergencies. All information in this document is confidential and will be shared only with the employee’s consent.

**EMPLOYEE INFORMATION**

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**EMERGENCY CONTACT INFORMATION**

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Telephone: \_\_\_\_\_ Mobile phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

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**WORK LOCATION** (Repeat for other work locations)

Address: \_\_\_\_\_

Floor: \_\_\_\_\_ Room name/number: \_\_\_\_\_

**EMERGENCY ALERTS**

\_\_\_\_\_ will be informed of an emergency situation by:  
(Name of employee)

Existing alarm system

Pager device

Visual alarm system

Co-worker

Other (specify) \_\_\_\_\_

**ASSISTANCE METHODS**

List types of assistance (e.g., staff assistance or transfer instructions).

\_\_\_\_\_  
\_\_\_\_\_

**EQUIPMENT REQUIRED**

List any devices required, where they are stored, and how to use them.

\_\_\_\_\_

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**EVACUATION ROUTE AND PROCEDURE**

Provide a step-by-step description, beginning from the first sign of an emergency.

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**ALTERNATIVE EVACUATION ROUTE**

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**EMERGENCY SUPPORT STAFF**

The following people have been designated to help \_\_\_\_\_ in an emergency.  
(name of employee)

Name	Location and/or contact information	Type of assistance

**CONSENT TO SHARE EMERGENCY RESPONSE INFORMATION**

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**HUMAN RESOURCE SERVICES  
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I give consent for Northern College to share this individualized workplace emergency response information with the individuals listed above, who have been designated to help me in an emergency.

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Form completed by  
(Manager's name)

\_\_\_\_\_  
Next review date

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