

## ACCOMMODATION OF STAFF - DISABILITY SUPPORT

### **RATIONALE:**

Hamilton-Wentworth District School Board (HWDSB) is committed to providing learning and working environments that are welcoming, respectful, accessible, barrier-free, and free from discrimination and harassment. HWDSB believes in supporting all employees with disabilities in the performance of their job duties and to foster the development of trustful and respectful relationships. This procedure outlines the steps HWDSB must take to meet its duty to accommodate the needs of persons with disabilities in the course of their employment at HWDSB.

### **TERMINOLOGY:**

*Accommodation:* A means of preventing and removing barriers that impede staff with disabilities from participating fully in their employment through modifications or supports that address the barriers staff are experiencing so they can fully participate in their employment.

*Barrier:* Anything — Including anything physical/environmental, architectural, technological, informational, or attitudinal that is based on information or communications or anything that is the result of a policy or a practice — that hinders the full and equitable participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairments or a functional limitation (Accessible Canada Act, 2022).

*Disability:* — This term “covers a broad range and degree of conditions, some visible and some not visible. A disability may have been present from birth, caused by an accident, or developed over time. There are physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, mental health disabilities and addictions, environmental sensitivities, and other conditions.” (Ontario Human Rights Commission).

A disability “may be the result of combinations of impairments and environmental barriers, such as attitudinal barriers, inaccessible information, an inaccessible built environment or other barriers that affect people’s full participation in society.” (Ontario Human Rights Commission).

*Staff (Employee):* A person employed by HWDSB who performs work or supplies services for monetary compensation.

*Equity:* A condition or state in which access to opportunities and resources are distributed fairly, justly, and equitably. Everyone receives resources and supports based on their needs.

*Essential Duties:* The basic job duties that an employee must be able to perform, with or without reasonable accommodation.

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*Functional Abilities:* A description of what an employee can physically or cognitively do and may include a list of restrictions and limitations.

*Health Care Professional:* Health care providers regulated under the Regulated Health Professions Act including, but not limited to, physician (including specialist or surgeons), physiotherapist, occupational therapist, psychologist, audiologist, dentist, and other health professionals, as applicable.

*Individual Accommodation Plan (IAP):* A written plan developed to document accommodations associated with a disability for an individual employee.

*Maximum Medical Recovery (MMR):* The point at which an employee has reached a plateau in their recovery at which time it is unlikely that there will be any further significant improvement in their medical impairment as determined by a Health Care Professional.

*Service Dog:* A working dog trained to the needs of specific, recognized medical conditions. The term "Service Dog" will be assumed to also include guide dogs and hearing dogs. This does not include companion or therapy animals.

*Supervisor:* Any employee who is responsible for the oversight and direction of work of another employee, including, but not limited to, supervisory officers, principals, and managers.

*Undue Hardship:* Circumstances involving cost, outside source of funding, or health or safety requirements, that would make it impossible or excessively difficult for an employer or service provider to meet the duty to accommodate. Organizations covered by the *Code* have a duty to accommodate to the point of undue hardship.

### **PROCEDURES:**

#### **1.0 The Human Resources, Staffing and Operations and Human Resources, Professional Development and Recruitment departments will be responsible for communications by:**

- 1.1 Ensuring that job applicants are advised of the process to request accommodations that may be required during the application and selection process;
- 1.2 Ensuring that all newly hired employees are aware of the Accommodation of Staff - Disability Procedure; and
- 1.3 Referring newly hired employees who request an accommodation to Employee Support and Wellness.

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### **2.0 The Human Resources, Employee Support and Wellness Department will be responsible for:**

- 2.1 Supporting employees who require accommodations;
- 2.2 Coordinating the IAP process including the development, implementation and monitoring of the IAP, and communication of the IAP to all appropriate parties;
- 2.3 Requesting appropriate medical documentation from employees and, where appropriate, representatives of the Workplace Safety and Insurance Board (WSIB) and long-term disability (LTD) insurers;
- 2.4 Ensure that all employees are aware of the Accommodation for Staff - Disability Support procedure;
- 2.5 Managing medical documentation intake, privacy, and confidentiality; and
- 2.6 Managing staff accommodations to resolution or MMR.

### **3.0 Supervisors will be responsible for:**

- 3.1 Referring any employee who may request accommodations to Employee Support and Wellness;
- 3.2 Participating and cooperating with Employee Support and Wellness in the development and implementation of IAPs for employees with disabilities assigned to work in their school or department;
- 3.3 Supporting and implementing accommodation measures in accordance with the Ontario Human Rights Code, Accessibility for Ontarians with Disabilities Act, other applicable legislative requirements, this procedure, and the IAP;
- 3.4 Provide employees with the job tasks, equipment, and/or administrative supports required in accordance with the IAP;
- 3.5 Adhering to the Employee Medical Records Management Procedure;
- 3.6 Consideration of the requirements of an IAP when assessing work performance; and
- 3.7 Providing the incoming supervisor with a copy of an IAP for a staff member when leaving the current work location or department.

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### **4.0 Employees who require accommodation either to attend work, remain at work, or return to work, will be responsible for:**

- 4.1 Informing Employee Support and Wellness of their need for accommodation;
- 4.2 Providing information upon request to assist in the assessment, consideration and implementation of an IAP;
- 4.3 Obtaining medical aid and engaging in medical rehabilitation and/or treatment that can be expected to assist in-return to work or support for remaining at work;
- 4.4 Providing updated medical documentation as requested by the Employee Support and Wellness department;
- 4.5 Participating and cooperating in the development of an IAP;
- 4.6 Complying with all requirements as outlined in Appendix A: Protocol for the Use of a Service Dog for an Employee at the HWDSB (if applicable);
- 4.7 Adhere to the arrangements detailed in the IAP;
- 4.8 Providing a copy of the IAP to a new supervisor in the current work location or department, or when transferring to a new work location or department;
- 4.9 Notifying Employee Support and Wellness of a transfer to a new work location or department.

### **5.0 General Requirements**

- 5.1 The Board will make every reasonable effort, to the point of undue hardship, to accommodate employees with disabilities by modifying the work and/or workplace to meet an employee's medically supported needs related to a disability.

### **6.0 Requesting Accommodation**

- 6.1 The Board will include information on job postings for prospective job applicants on how to request an accommodation as part of the application and selection process;
- 6.2 A copy of this procedure will be provided upon offer of employment to inform new employees of the Disability Support Procedure;

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- 6.3 Employees are responsible to notify Employee Support and Wellness of the requirement for accommodations related to a medical condition if these conditions interfere with the employee's ability to attend work, return to work, or perform the full range of their duties;
- 6.4 Upon receiving a request, Employee Support and Wellness will provide the required medical form to be completed by an appropriate Health Care Professional with respect to the employee's functional abilities, identifying the employee's restrictions and limitations to support the accommodation; and
- 6.5 The completed medical form is to be submitted to ESW either by email to [esw@hwdsb.on.ca](mailto:esw@hwdsb.on.ca) or by confidential fax to 905 527 1488. Completed medical documentation is not to be provided to any other HWDSB parties.

### **7.0 Development of an Individual Accommodation Plan**

- 7.1 Upon receipt of medical information supporting an accommodation request, an IAP is to be developed by ESW during an accommodation meeting that will include a representative of ESW, the employee's union representation (if applicable), and may include the employee's direct supervisor. Once the IAP is finalized, it is to be signed by the ESW representative, the employee, and the employee's supervisor. The employee's supervisor will then be tasked with implementing the IAP;
- 7.2 The IAP is developed based on medically supported functional abilities, restrictions, and limitations and with consideration of other relevant information and, where appropriate, representatives of the Workplace Safety and Insurance Board (WSIB) and long-term disability (LTD) insurers;
- 7.3 Employee Support and Wellness may require employees to participate in a Functional Abilities Evaluation (FAE) and/or an Independent Medical Evaluations (IME), in consultation with union representatives where appropriate. The assessments are conducted by a third-party health professional, to identify limitations and/or restrictions and to assist in the development of an IAP. A physical or cognitive demands analysis of the employees' position (PDA/CDA) or job description, if available, may be provided to the health care professional for review. Where functional abilities information is not available for WSIB claims, the WSIB Standard Precautions may be used as a guide for developing an appropriate return to work plan;
- 7.4 All reasonable options will be exhausted to provide a suitable accommodation. Opportunities to support an employee in their current role and assignment at their current location will be prioritized;
- 7.5 The IAP may include the following information:

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- (a) The names of the parties involved in the development of the plan
- (b) The applicable timeframe, where applicable
- (c) Essential duties and tasks of the job
- (d) Specific physical requirements or limitations and/or functional/cognitive abilities and limitations or restrictions of the employee, as outlined in medical documentation, including the date of relevant medical information
- (e) Work schedule and location(s)
- (f) Schedule for a gradual increase in hours worked and/or gradual return to work assigned under the Disability Support Procedure, if applicable
- (g) Expected date for completion of the plan, if applicable
- (h) Conditions for closure of a temporary IAP or the development of a permanent IAP
- (i) Signatures of the employee, Employee Support and Wellness representative, supervisor, and appropriate treating health professional, as required

7.6 A copy of the written IAP will be distributed to all relevant parties, including the employee and the employee's immediate supervisor, and, where applicable, the WSIB and the employee's appropriate treating health professional and union where applicable.

### **8.0 Implementation of a permanent or temporary Individual Accommodation Plan**

- 8.1 Upon completion of the IAP, the employee's work and/or workplace will be modified as set in the IAP to allow the employee to meet the essential duties of the job, prior to the employee's commencement of their IAP. Modifications may include, but are not limited to, the following:
- (a) assigning appropriate work or duties in accordance with the IAP
  - (b) modifying the physical environment to remove barriers, as set out in the IAP
  - (c) Providing assistive materials or devices
  - (d) other administrative supports
- 8.2 The employee's co-workers may be required to have job functions adjusted to assist in accommodations, where appropriate;
- 8.3 The employee and the employee's supervisor will comply with the restrictions and conditions set out in the IAP and ensure that no jobs are being performed other than those in accordance with the employee's written IAP;
- 8.4 The employee will share the IAP with the new supervisor upon transfer to a new work location or department;
- 8.5 In the event the supervisor switches work locations, they will provide a copy of the IAP to the incoming supervisor; and

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8.6 The employee will maintain reasonable and regular contact with Employee Support and Wellness to provide updates on status, changes in condition and to review progress. ESW will request updated FAFs as appropriate given the staff member's circumstances and update the IAP as indicated.

If there is a change in the employee's status prior to the date on which the next FAF is expected to be submitted, the employee is to contact ESW immediately.

### **9.0 Monitoring the Individual Accommodation Plan**

9.1 The employee's supervisor and if appropriate, the treating Health Professional, will monitor the progress of the employee and immediately report any concerns to Employee Support and Wellness;

9.2 As required, the employee's IAP will be reviewed, and any necessary adjustments based upon changes to functional/cognitive abilities or restrictions/limitations will be made to support the employee's success;

9.3 For employees deemed permanently disabled and unable to perform the essential duties of their job, a medical review will be conducted to determine the employee's ability to meet the essential duties of an alternative occupation. Employee Support and Wellness will work with the appropriate workplace parties including the union where applicable to find an available and suitable position;

9.4 An IAP will be closed when the employee is able to return to full regular duties without restrictions or limitations.



## Appendix A

### PROTOCOL FOR THE USE OF A SERVICE DOG FOR AN EMPLOYEE AT THE HWDSB

Employees requiring an accommodation at work must first follow the requirements of the HWDSB Accommodation procedure

#### General Principles:

These guidelines apply in situations where an employee with a disability requires the support of a service dog in order to access employment.

The success of the implementation of a service dog into a work setting depends on clear communication, a well-informed school/work community and careful planning. The information you provide will assist Employee Support and Wellness and the supervisor to make the best possible decisions for you, students, staff, volunteers and visitors in the workplace. The information will be kept in confidence in Employee Support and Wellness.

The use of a service dog is considered to be an accommodation in accordance with your Individual Accommodation Plan, to prevent and remove barriers that are impeding your ability to participate fully as an employee of the Board. Requests for companion or therapy animals will be denied.

The well-being of the dog is very important. Its care, handling and training needs will be addressed, and your input as a trained handler, is valuable. The Supervisor also needs to know what the other resources are available to facilitate the transition to work and the implementation of the plan. Strategies for becoming familiar with the building and school grounds, introduction to work routines, assemblies/concerts/meetings, recess, and informing the staff about interacting with the dog will need to be included in the planning to be as successful as possible. It is important that you provide the information that addresses the safety of the students and staff, such as any history of aggressive behavior by the dog.

#### Responsibilities:

Employees requesting use of a service dog at work will:

- fulfill all the requirements for medical documentation
- provide Employee Support and Wellness with a completed “request for Service dog for an Employee” form
- provide Employee Support and Wellness with a letter from a registered service dog training center stating that a Certified Service dog has been assigned to work with you;
- all service dogs accompany an employee must be certified and licensed in Canada.
- training schools for any type of service dog to be used in HWDSB facilities must either be accredited by the IGDF or ADI or use the MSAR training standard



- provide Employee Support and Wellness with a copy of the service dog's registration, training certificate, up-to-date vaccination certificate, and applicable dog license;
- provide employee Support and Wellness and the supervisor with any training records for the dog that may be requested. The employee will ensure that the service dog is re-certified on an annual basis, if required, and that the licenses, vaccinations, and registrations are up to date;
- provide Employee Support and Wellness with documentation of insurance, as it relates to the service dog, and assumption of all liability related to the dog's behavior;
- work with the supervisor to develop a mutually agreed upon plan (Attachment 2: Management Plan for the Care of the Service Dog) that addresses the care and physical needs of the dog. Service dogs admitted to the workplace should be day-trained and not need to be fed during work hours;
- work with the supervisor and Employee Support and Wellness to address any issues and or changes with the service dog and/or address any potential changes in the work/workplace routine;
- assume all duties of the handler;
- assume financial responsibility for the dog, including but not limited to, training, veterinary care, required equipment, dog care items and other related costs; and
- provide timely updates, information, and documentation to the supervisor and Employee Support and Wellness of any changes in the need for accommodation and/or regarding the service dog.

Supervisors will:

- work cooperatively with the Employee Support and Wellness and the employee in the development of the communication plan to facilitate and support the introduction of the service dog into the workplace;
- notify staff, in writing, that a request for a service dog has been made and copy all union presidents
- schedule a staff meeting to provide further information and answers staff questions;

In cases where the dog will accompany an employee to a school:

- ensure that the school community, including school council, parents of the students and the students in whose classroom the service dog will be are informed (Attachment 4); and
- schedule an information session for members of the school community and school council - as – required and respond to students or staff who may have expressed allergies, phobias or cultural sensitivities to dogs, in accordance with P.108.SCO and PR.548.SCO: Care of Students with Severe, Life-threatening Medical Conditions; and
- in that the employee may be requested to attend on a field trip which will require the service dog to accompany the employee on a school bus, the supervisor/principal will share information related to the service dog with OSTA in advance to ensure appropriate accommodation.

Implementation:

- the supervisor will, in co-operation with the employee, work with the service dog training center and all applicable staff to set up a work place visit, by the trainer, during which the role of the service dog will be explained to the students/staff
- prior to the permanent introduction of the service dog, the dog will have a minimum of three days of training in the workplace, which do not need to be consecutive. Emergency procedures associated with the introduction of the service dog to the school environment will be established. During the training period, the service dog must be exposed to fire and lock-down alarms and other workplace routines in order to gauge the dog's reaction. Should the dog react negatively, the trainer will provide further training to familiarize the dog with the school routines and the alarms.
- the trainer will work with the supervisor and the employee, and other applicable staff in establishing a safe area in which the service dog can be left during periods when the employee must be separated from the dog, if applicable. Examples include the employee's time in a kitchen, shop or a pool.
- once the service dog is introduced to the workplace, appropriate signage will be placed at all entrances alerting visitors to the presence of the dog.
- the supervisor will address, in consultation with the employee, any issues/concerns arising after the service dog is in the school/workplace.
- the trainer will re-attend the workplace in the event of changes to the employee's workplace and routines, as required.

Definitions:

1. Accommodation refers to using all reasonable efforts to prevent and remove barriers that impede individuals with disabilities from participating fully as employees of the Board. Accommodation involves three principles:
  - a. respect for dignity;
  - b. individual accommodation; and
  - c. inclusion and full participation
2. Assistance Dogs International (ADI) means a coalition of not-for-profit organizations that train and place service dogs.
3. Board means the Board of Trustees of the Hamilton Wentworth District School Board (HWDSB).
4. Handler means the person for whom the dog has been prescribed (the employee) or, if the employee is unable to act in that capacity, another adult trained to work with the dog would be the handler.
5. Secondary Handler means an adult trained in the use of basic commands with service dog, who can act as the handler should the primary handler be temporarily unable to act in that fashion.
6. Employees would be required to voluntarily be the secondary handler.
7. The International Guide Dog Federation (IGDF) means an organization whose members train and provide guide dogs to visually impaired and blind people around the world.

8. MSAR: The “Meghan Search and Rescue Standard in the Support of Accessibility [by] Persons with a Disability Teamed with Service Dogs” means a training standard for service dogs that is, in lieu of a national standard, the level of training preferred by the board.
9. National Standard of Canada for Service Dog Teams means a standard developed to provide a benchmark for the performance of service dog teams. These performance requirements assure the legitimacy and efficacy of both the person with the disability, the service dog and the secondary handlers (as required) to form a service dog team that can work safely in public places.
10. Hamilton Student Transportation means the recognized agent for transportation services for the Hamilton Wentworth District School Board.
11. Service Dogs means working dogs trained to the needs of specific, recognized medical conditions. Such conditions include, but are not limited to autism, epilepsy, post-traumatic stress disorder (PTSD), and unstable blood sugar levels. However, for the purpose of this procedure the term “Service Dog” will be assumed to also include guide dogs and hearing dogs.

Attachments:

Attachment 1: HWDSB Request for a Service Dog to Accompany an Employee

Attachment 2: HWDSB Management Plan for the Care of a Service Dog for an Employee

Attachment 3: Letter for School Staff

Attachment 4: Letter for Parents



Attachment 1

HWDSB: REQUEST FOR A SERVICE DOG TO ACCOMPANY AN EMPLOYEE

THIS FORM IS TO BE COMPLETED BY THE EMPLOYEE AND SUBMITTED TO EMPLOYEE SUPPORT AND WELLNESS.

Name of Employee: \_\_\_\_\_ Employee Number: \_\_\_\_\_

School: \_\_\_\_\_ Department/location: \_\_\_\_\_

- a) I request that I be authorized to have a service dog accompany me to work.
- b) The service dog will provide me with the following assistance: (attach documentation as necessary)

\_\_\_\_\_

c) Length of time the employee and the service dog have worked together: \_\_\_\_\_

d) Duration of the requested intervention \_\_\_\_\_

e) Documentation submitted with this request:

- i) Medical documentation as required by Employee Support and Wellness;
- ii) copy of dog's registration and training certification with a recognized training centre;
- iii) copy of current, official vaccination certificate for the dog;
- iv) proof of municipal dog licence;
- v) copy of training certification of the Handler (individual responsible for the dog), if applicable; and
- vi) copy of liability insurance coverage.

I acknowledge that I am responsible for costs for the dog, including, but not limited to, training, veterinary care, and other related costs.

Signature(s) of employee: \_\_\_\_\_

Date: \_\_\_\_\_ Print name: \_\_\_\_\_

Personal information on this form is collected under the authority of sections 58.5(1) and 265 (d) of the

*Personal information on this form is collected under the authority of sections 58.5(1) and 265 (d) of the Education Act, R.S.O. 1990, c.E2, as amended, and in accordance with section 29(2) of the Municipal Freedom of Information and Protection of Privacy Act. It will be used for the purpose of managing student learning and well-being. Access to information will be limited to those who have an administrative need, to the student to whom the information relates and the parent(s)/guardian (s) of a student who is under 18 years of age. Questions about this collection should be directed the manager, employee support and wellness or the supervisor.*

HWDSB914: MANAGEMENT PLAN FOR THE CARE OF A SERVICE DOG FOR AN EMPLOYEE

**THIS FORM IS TO BE COMPLETED BY THE EMPLOYEE IN COLLABORATION WITH THE EMPLOYEE SUPPORT AND WELLNESS AND THE SUPERVISOR.**

Name of employee: \_\_\_\_\_

School: \_\_\_\_\_

Name of dog: \_\_\_\_\_

Water Needs: (provision of water bowl, procedure for use, cleaning, etc.). Note: it is the expectation that the dog will not be fed during school/work hours.

\_\_\_\_\_

Other needs of the service dog. Note: it is the expectation that service dogs will be day trained.

\_\_\_\_\_

Are rest periods from work with employee required? (frequency / location)

\_\_\_\_\_

Hot / Cold Weather considerations:

\_\_\_\_\_

Supervision duty (if the service dog is not able to work with the employee) (location)



<hr/>
Outline plan for the service dog where it is not permitted to accompany the employee:  Kitchen:  <hr/>
Shop class:  <hr/>
Pool:  <hr/>

Other:  <hr/>
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I understand that the care of the service dog is NOT the responsibility of the Hamilton-Wentworth District School Board and that the responsibility rests solely with the employee.

Signature of employee:

Print Name:

Date:

*Personal information on this form is collected under the authority of sections 58.5(1) and 265 (d) of the Education Act, R.S.O. 1990, c.E2, as amended, and in accordance with section 29(2) of the Municipal Freedom of Information and Protection of Privacy Act. It will be used for the purpose of managing student learning and well-being. Access to information will be limited to those who have an administrative need, to the student to whom the information relates and the parent(s)/guardian (s) of a student who is under 18 years of age. Questions about this collection should be directed the manager, employee support and wellness or the supervisor.*

[Letter for Staff]

(school logo)

Date

**SERVICE DOG FOR AN EMPLOYEE**

Dear Staff:

This letter is to inform you that we are in the process of finalizing the approval of a request for a certified service dog in our school assisting one of our employees. We have had some experience with service dogs at the HWDSB and we are confident that we will be prepared for the dog's arrival.

Service dogs are specially trained to meet individual needs (e.g. seeing eye dogs, seizure alert dogs, autism service dogs, diabetes alert dogs) to prevent and remove barriers that impede individuals with disabilities from participating fully as employees of the Board.

As always, we are committed to providing a safe and an inclusive, respectful working environment for all employees here at [school/department]. I am sure that there will be many questions about the role of the service dog, including any restrictions and limitations, and protocols regarding interaction with the dog. Further information will be shared in advance of the arrival of the service dog. In the meantime, if you have any questions or concerns, please speak to me as soon as possible.

Sincerely,

Supervisor

Cc: Manager, Employee Support and Wellness

Superintendent of Instruction



[Letter for Parents/Guardians of Students at School]

school logo

**SERVICE DOG FOR AN EMPLOYEE**

Date

Dear Parents:

This letter is to inform you that we are in the process of finalizing approval of a request for a certified service dog in our school assisting one of our employees. We have had some experience with service dogs at the HWDSB and we are confident that we will be prepared for the dog's arrival.

Service dogs are specially trained to meet individual needs (e.g. seeing eye dogs, seizure alert dogs, autism service dogs, diabetes alert dogs) to prevent and remove barriers that impede individuals with disabilities from participating fully as employees of the Board. The right to have a service dog is protected by Human Rights legislation and the Accessibility for Ontarians with Disabilities Act.

As always, we are committed to providing an inclusive, safe and respectful environment at school for all students and staff. I understand there may be questions about the role of the service dog, including any restrictions and limitations, and protocols regarding interaction with the dog. If your child has allergies, phobias or cultural sensitivities related to dogs or if you have any other questions pertaining to the above, please do not hesitate to contact me.

Sincerely,

Principal

Cc: Manager, Employee Support and Wellness

Superintendent of Instruction