

	POLICY NO: 4.1
Adopted	2018
Projected Review Date	2027
Revisions	2023, 2025

POLICY: ACCOMMODATION OF STAFF - DISABILITY

PURPOSE:

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.

GUIDING PRINCIPLES:

- Through the accommodation process, respecting:
 - The dignity of all employees
 - Individualization of accommodation
 - Integration and full participation
- Protecting the safety of all employees and students.
- Maintaining employees' right to privacy.
- Supporting employees in a flexible and reasonable manner as need arises.
- Responding appropriately to support each employee by providing reasonable and appropriate accommodation in alignment with the Ontario Human Rights Code to the point of undue hardship.

INTENDED OUTCOMES:

HWDSB will:

- Engage employees in a collaborative and inclusive process to meet their specific accommodation needs.
- Provide employees with reasonable and appropriate accommodations in alignment with the Ontario Human Rights Code to ensure a safe return to work or remain at work plan to the point of undue hardship.

RESPONSIBILITY:

Director of Education
Members of Executive Council
Principals and Managers

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 equal 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.

HWDSB Leadership: Executive Council, Principals, Vice-Principals, Managers, Supervisors) and any person placed in a position of added responsibility within HWDSB.

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 *Ontario Human Rights Code* have a duty to accommodate to the point of undue hardship.

ACTION REQUIRED:

Meet the Board’s duty to accommodate people based on disability as a protected ground, up to the point of undue hardship, in accordance with the *Code* and other applicable legislations, fostering principles or dignity, independence, inclusion and full participation.

PROGRESS INDICATORS:

Intended Outcome	Assessment
Engage employees in a collaborative and inclusive process to meet their specific accommodation needs.	Plans are agreed to during return-to-work meetings with employees, their immediate supervisor and employee group representative.
Provide employees with reasonable and appropriate accommodations in alignment with the Ontario Human Rights Code to ensure a safe return-to-work or remain-at-work plan to the point of undue hardship.	Employees successfully return- to-work and remain at work. Feedback from accommodated employees and HWDSB leadership about the success of any accommodation. Accommodations meet the restrictions and limitations identified by registered health care provider.

REFERENCES:

Government Documents

Ontario Human Rights Code

Workplace Safety and Insurance Act

Occupational Health and Safety Act

Accessible Canada Act

Accessibility for Ontarians with Disabilities Act

Canadian Charter of Rights and Freedoms

Education Act

Collective Agreements and Terms and Conditions of Employment

Employment Standards Act