

## **ACCOMMODATION OF STAFF WITH DISABILITIES**

### Statement of Policy

The Peel District School Board recognizes the valuable contribution that employees of differing abilities can make to education and is committed to compliance with the Ontario *Human Rights Code* and the *Workplace Safety and Insurance Act* as they relate to employing individuals with disabilities.

In keeping with the legislative provisions and principles outlined below, the Board will make every reasonable effort to arrange meaningful and appropriate accommodation for any employees with disabilities.

Accommodation programs will be individualized, based on physical, emotional, or intellectual abilities in a manner that respects the individual employee's dignity and that maximizes the employee's integration and participation in the workplace.

This policy is aligned with and supports the principles and expectations of the Board's Human Rights policy ([Policy 51](#)) and the Equity and Inclusive Education policy ([Policy 54](#)). At all times, this policy should be interpreted to be consistent with the Board's policies and the *Human Rights Code*.

**Please Note:** *Every person has the right to seek assistance from the Ontario Human Rights Commission, even when steps are being taken under this policy. Please be aware, however, that the Commission applies time limits to its procedures.*

ONTARIO LAW Relevant Provisions:

### Disability

The Ontario *Human Rights Code* defines a disability as:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a guide dog or on a wheel chair or other remedial appliance or device
- a condition of mental impairment or a developmental disability
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
- a mental disorder, or
- any injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*, 1997.

**Please Note:** *The Board may accommodate even in cases that do not fit within the Code's definition of disability.*

### Accommodation

Under the *Code*, employers have a legal duty to accommodate the needs of people with disabilities who are adversely affected by a requirement, rule or standard. Accommodation is necessary to ensure that people with disabilities have equal opportunities, access and benefits.

The duty to accommodate is informed by three principles: respect for dignity, individualization, as well as integration and full participation.

The *Code* requires that accommodation must be provided for persons with disabilities up to the point of “undue hardship” for the employer.

The *Code* prescribes only three considerations when assessing whether an accommodation would cause undue hardship:

- cost;
- outside sources of funding, if any;
- health and safety requirements, if any.

No other considerations can be properly taken into account under Ontario law.

### Relevant Principles

- The Board has a reasonable expectation that the essential duties of the job will be accomplished.
- The purpose of the accommodation is to enable the employee to perform the essential duties of the job.
- Employees requiring accommodation must work cooperatively with the Board to design a meaningful and appropriate individualized accommodation program.
- Objections from coworkers and/or a bargaining agent that are not consistent with human rights objectives cannot thwart an accommodation program.

***Please note:*** *The Board prefers to design accommodation programs so that they fall within the parameters established by the existing Board policies and collective agreements. The Board recognizes however, that sometimes existing practices, policies or agreements can themselves pose barriers to reasonable accommodation.*

### HOW IT WORKS

The Board administers all medical accommodation requests for employees through the Board’s Medical Workplace Accommodation Program.

### **Reference: Human Resources Support Services HRS 46 – Medical Workplace Accommodation Program**

Approved November 14, 1995

Revised January 1, 1998 *(to reflect change in Board name)*

Revised April 11, 2000 *(replaces former Policy 59 - Accommodating Staff with Disabilities)*

Reviewed February 2003

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