

**Section: Accessibility**

SUBJECT: DUTY TO ACCOMMODATE PERSONS WITH DISABILITIES

PURPOSE

This policy's goal is to ensure the full participation of persons with disabilities in the employment of Lanark County whether as candidates for employment or as employees, in accordance with the Access to Ontarians with Disabilities Act.

POLICY STATEMENT

Lanark County is committed to create and maintain an inclusive, barrier-free environment to ensure the full participation of persons with disabilities. This policy is to be implemented by:

- identifying and removing barriers to employment, career development and promotion of persons with disabilities unless doing so would result in undue hardship;
- designing all employment systems, processes and facilities to be accessible by building accommodation into workplace standards, systems, processes and facilities; and
- accommodating individuals when such barriers cannot be removed. Such accommodation must be made to the point of undue hardship taking into consideration issues of health, safety and cost. Accommodation must also be based on the circumstances of each case and must respect an individual's right to privacy and confidentiality.

ELIGIBILITY

This policy applies:

- a. with respect to accommodation within the workplace, to all Union and Non-Union, regular part-time and full-time, contract and temporary employees; and
- b. with respect to accommodation during staffing processes, to all candidates chosen for recruitment processes.

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DEFINITIONS

“Accommodation/accommodate” - refers to the design and adaptation of the work environment to the needs of as many types of persons as possible and, according to the Supreme Court of Canada, refers to what is required in the circumstances of each case to avoid discrimination. Several examples of accommodation are listed in the Accommodation Procedure.

“Adaptive technology” - consists of work-related devices or equipment that allows employees with disabilities to participate as fully as possible in the workplace and include items such as magnification software and hardware, voice recognition software and augmentative communication devices.

“Attendant services” - refers to the provision of services to persons with disabilities who require assistance with the duties of their position, as well as assistance with activities of everyday living during the employees' hours of work.

“Barriers” - are physical barriers as well as formal or informal policies and practices that restrict or exclude persons in the designated groups from employment opportunities.

“Bona fide occupational requirements” - according to the Supreme Court of Canada, are those requirements that:

- a. the employer has adopted for a purpose or goal that is rationally connected to the functions of the position;
- b. the employer has adopted in good faith, in the belief that they are necessary to fulfil the purpose or goal; and
- c. are reasonably necessary to accomplish the purpose or goal in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.

“Candidates” - includes applicants from outside Lanark County, as well as existing employees who are participating in a recruitment process.

“Employees” - includes full-time, part-time, casual, seasonal, contract employees.

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“Employment and employment-related opportunities” - includes appointments, promotions, deployments, secondments, assignments, training and career development opportunities.

“Facilities” - includes premises and equipment.

“Flexible work arrangements” - include but are not limited to flex time and compressed work weeks for qualifying employees. (Please refer to Lanark County’s Alternate Work Arrangement Policy)

“Persons with disabilities” - as defined by the Employment Equity Act, are persons who have a long-term or recurring physical, mental, sensory, psychiatric or learning impairment and who:

- consider themselves disadvantaged in employment by reason of that impairment; or
- believe that an employer or potential employer likely would consider them disadvantaged in employment by reason of that impairment.

These would include persons whose functional limitations owing to their impairment have been accommodated in their current job or workplace.

For the purpose of this policy, persons with disabilities do not have to fall strictly within this definition. Examples of types of disabilities that may require accommodation are listed in the Accommodation procedure.

“Recruitment processes” - include open, closed or without competition staffing actions that result in a permanent or temporary appointment or deployment. Recruitment processes encompass all related activities such as establishing qualifications, advertising, assessment, giving notice that an appointment or deployment has been made, recourse and disclosure, as well as any related communications with candidates.

“Systems” - includes information systems and employment systems (such as policies, practices, directives and guidelines).

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