

**Approving University Official(s):** Human Resources

**Responsible Office:** Human Resources

**Effective date:** May 24, 2022

**Last review date:** N/A

**Next review date:** 1 year

## **[HR-Workplace Accommodation Procedures]**

### **Purpose**

This Workplace Accommodation Policy (“Policy”) is intended to provide the necessary framework and guidance to ensure the following:

- that all employees are aware of their rights and responsibilities under the applicable accessibility and human rights legislation with respect to accommodation and this Policy
- that employees are aware of the Policy and procedures by which they can make requests for accommodation to supervisory/management personnel
- the provision of guidance to supervisory/management personnel on how to appropriately respond to and document requests for accommodation
- the development and provision of training, education, resources and tools to raise awareness and ensure that employees develop the requisite skills and capacity to understand their responsibilities under this policy
- the fostering of relationships of open communication between employees and supervisory/management personnel in order to have respectful and transparent dialogue on accommodation
- the promotion of a respectful, discrimination and harassment-free workplace and learning environment, and providing workplace accommodations pursuant to the applicable accessibility and provincial human rights legislation, and Yorkville’s policies such as the Discrimination and Harassment Policy and Procedures, the Equity, Diversity, and Inclusion Policy and the Gender Inclusion Policy

## **Audience**

This Policy applies to all academic and academic support activities and departments of the University and business and corporate activities of Yorkville University and Toronto Film School which operate under Yorkville Education Company (“Yorkville”) as they relate to employees. It applies to all employees. It applies to all Yorkville locations, including both real and online environments.

For any concerns regarding discrimination or harassment, employees should refer to the respective Discrimination and Harassment Policy and Procedures that applies to them.

For further accommodations specifically related to gender identity, gender expression and employees that may be transitioning genders, employees should refer to the Gender Inclusion Policy and Procedures.

## **Procedures**

When an employee has an accommodation need, the following steps should be taken.

### Accommodation Steps:

1. Employees are encouraged to make their request in writing by using the Workplace Accommodation Request Form. If the accommodation request relates to a disability, employees should also have the Workplace Accommodation for Employees with Disabilities Form filled out by their healthcare professional.
2. Once the form(s) is/are completed and any necessary supporting documentation is attached, employees are to send this to their supervisor/manager and a copy to the Human Resources department. Any attached documentation that contains personal/medical information should be sent to the Human Resources department who will then share (as appropriate) only information related to any work-related restrictions or circumstances that require accommodation, and not the details of the employee’s medical condition or personal situation. If the accommodation is related to a disability, Yorkville does not require or ask for diagnosis information, and only relevant information about functional limitations/restrictions is required. All parties to the accommodation will exercise good faith in seeking and providing relevant information. Supporting documentation must be verifiable. Examples of verifiable documentation include: a letter from a treating physician identifying functional limitations or a court sanctioned custody agreement setting out child-care responsibilities. Supporting documentation may not be required for those seeking accommodation on the grounds of gender identity and/or gender expression or creed/religion, except where leave may be required for gender transition surgeries/medical appointments. The confidentiality of the employee’s personal and/or medical

information will be safeguarded by the Human Resources department in accordance with privacy regulations.

For creed/religious accommodation requests, employees are encouraged to consult with Yorkville University's/Toronto Film School's Diversity Calendar found online on MyYU and MyTFS in order to assist with the planning and making of the request.

3. Management and/or the Human Resources department may require more information related to the accommodation request, in the following circumstances:
  - Where the accommodation request does not clearly indicate a need related to a human rights ground
  - Where more information on the employee's limitations or restrictions is needed 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 needed to identify accommodation needs or potential solutions, the employee is required to cooperate in obtaining that expert advice. Any costs associated with obtaining such expert advice will be borne by Yorkville. Failure to respond to such requests for information may delay the provision of accommodation.

4. The employee's supervisor/manager and the Human Resources department (as applicable) will maintain information related to:
  - The accommodation request
  - Any documentation provided by the employee or by experts
  - Notes from any meetings
  - Any accommodation alternatives explored
  - Any accommodations provided as documented in the IAP

This information will be maintained in a secure location, separate from the employee's personnel file, and will be shared only with persons who are involved in the accommodation and who need the information.

5. The supervisor/manager may ask the employee for clarification, consult internally (e.g. Equity, Diversity, and Inclusion Office, Mental Health and Wellness, the Academic Accommodations and Accessibility Office, etc.), and/or externally with community sources for information on different human rights grounds (gender identity/gender expression, faith communities, etc.) or accommodation options.

Management questions and requests for additional information should be restricted to the individual's functional capacity and limitations, and the impact they have on the employee's ability to perform their job.

In some cases, management may determine that there is insufficient evidence, or that the evidence does not support the need for accommodation. There may be no requirement for accommodation if:

- the request is not linked to a human rights ground
- the employee refuses to provide supporting documentation
- the denial of the request does not impose burdens, obligations or disadvantages on the employee
- the functional limitations do not trigger the need for accommodation when reviewed against the essential duties of the job or service being provided
- evidence is received that contradicts the information provided by the employee (particularly if it is received from a subject-matter expert)

Management must be able to demonstrate that the accommodation process was undertaken in good faith, must have evidence to support denying a request, and must communicate a denial to the employee in writing.

6. Once the details around the accommodation and accommodation needs have been clarified and any supporting documentation (if needed) is obtained and any required follow-up related to the documentation has occurred, the supervisor/manager and the employee can discuss accommodation options. The parties may:
  - discuss the employment-related tasks/essential requirements that are impacted
  - identify possible accommodation solutions and assess the effectiveness each would have
  - identify any costs, benefits or detriments flowing from the alternatives
  - discuss timeframes for review of an Individual Accommodation Plan and implementation (IAPs must be reviewed at least annually)

Identifying alternative options at this stage will increase the likelihood of successful accommodation. The employee can identify the accommodation measure they prefer but must also be open to exploring other options that effectively accommodate their functional limitations. Management should consider the preferred accommodation measure requested. However, if there is an equally effective accommodation solution, Yorkville may choose to proceed with the one that is the least costly, easiest to provide

and/or a better fit with operations where it can demonstrate that it meets the need(s) of the employee.

7. Once the parties have come to an accommodation arrangement, the details must be documented in an Individual Accommodation Plan. The plan will outline the details of the accommodation (including any interim accommodation as applicable) and will also specify a schedule for follow-up and review of the plan to account for changes in accommodation needs.

#### Workplace Emergency Response Information

Yorkville shall provide individualized workplace emergency response information to employees who have a disability in accordance with the following elements:

1. If the disability is such that the individualized information is necessary and Yorkville is aware of the need for accommodation due to the employee's disability;
2. If the employee who receives an individual workplace emergency response information requires assistance and with the employee's consent, Yorkville shall provide the workplace emergency information to the person designated by Yorkville to provide assistance to the employee;
3. As soon as practicable after becoming aware of the need for accommodation due to the employee's disability;
4. Review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodations needs or plans are reviewed and when Yorkville reviews its general emergency response policies.

#### Workplace Emergency Response Plan

If the employee receiving accommodation for a disability (temporary or permanent), requires assistance with Yorkville's emergency response process, the employee's supervisor/manager will work with the employee to develop a personal response plan. This may include arranging assistance for the individual to reach one of Yorkville's emergency evacuation areas through the help of a volunteer.

The workplace personalized emergency response plan will include: the name of the employee with a disability and the employee's department. Specific information about the workplace, such as the floor, office number, or desk location of the worker will also be included. Detailed employee information will assist the volunteer by providing specific details of the worker.

Emergency contact information:

The employee's personal emergency contact information should be provided in case of an emergency. Emergency contact information should include: name, email, phone number and relationship to the worker

Assistance methods and equipment:

List any assistance employees with disabilities' needs such as:

- Whether the employee needs assistance or a volunteer to help get out of the building or work area
- How to move employees who have mobility impairments
- Include detailed information regarding equipment and devices the employee uses such as: what kind of a device an employee uses like a walker, wheelchair, cane, crutches or service animal
- The location of the equipment or device(s), if it is stored
- How to use the equipment or device(s)

#### Emergency alerts and signage

Buildings will have signals such as:

- Audio, visual, vibratory alarms and persons with disabilities will be made aware of those cues
- Volunteers will still notify the employee in an emergency Exit Route
- Yorkville will offer backup aids to assist in exiting
- Exit paths will be clear of any obstructions
- All doors will be labelled
- A volunteer will be contacted to assist the employee who uses an assistive device or is immobilized

#### Return to Work Process

As per the AODA, Yorkville will have in place a return to work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work. Such processes shall be documented and must outline the steps that Yorkville will take to facilitate the return to work and include an Individual Accommodation Plan.

The return to work process must be in writing and include:

- The steps taken by Yorkville to transition the employee back to work
- The Individual Accommodation Plan

However, if an employee's injury or illness is covered by the return to work provision under any other law, the return to work process under the AODA does not apply.