

## **1.0 Preamble**

SKG is committed to providing a working environment that is inclusive and that is free of barriers based on disability and committed to meeting its obligations under legislation to provide accommodation to individuals with disabilities.

## **2.0 Purpose**

This policy sets out directions concerning accessibility and accommodation in employment for SKG employees and job applicants with disabilities, as defined in the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act, and other applicable legislation.

It is recognized that the provision of accommodations for employees and applicants with disabilities is a shared accountability and responsibility between SKG and the employee or applicant.

SKG's policy concerning accommodations for students with disabilities is set out in a separate policy, ACAD 09 Accommodations for Students with Disabilities.

## **3.0 Definitions**

The terms "accommodations" and "disability" are defined in the relevant sections of this policy.

"Director of Human Resources" means the senior executive in SKG responsible for human resources policies and oversight of human resources operations (regardless of the title of that position).

"Employee" means a person who performs work for wages in any capacity for SKG, whether a full-time or part-time employee, and whether or not the employee has supervisory duties. Independent contractors and volunteers are excluded from this definition.

"SKG" means Shingwauk KinooMaage Gamig.

"Undue hardship" is addressed in the section of this policy concerning limits to accommodation.

## **4.0 SKG's commitments**

SKG shall :

- Fulfill its responsibilities under the Ontario Human Rights Code, including its duty to accommodate employees and applicants with disabilities
- Take positive steps to ensure that employees with disabilities benefit equally from facilities, services, and supports offered which emphasizes accessibility and inclusion from the start.
- Promote the integration and full participation of employees with disabilities

- Provide reasonable accommodations for employee's disabilities, short of undue hardship, in accordance with applicable legislation including the Ontario Human Rights Code, the Ontarians with Disabilities Act, the Accessibility for Ontarians with Disabilities Act, and SKG's policies and procedures.
- Foster and maintain a climate of understanding and mutual respect for the dignity and worth of all persons.
- Protect the privacy, confidentiality, self-esteem, and autonomy of all employees including those with disabilities.
- Affirm that all employees must satisfy the essential requirements of their job, while also recognizing that employees with disabilities may require accommodations to enable them to do so.
- Encourage departments and administrators to design spaces, policies and practices using principles of inclusive design.

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's policy and guidelines on disability and the duty to accommodate. (Please refer to the section of this policy headed "Limits on accommodation " for further details.)

Nothing in this policy is intended to limit any rights contained in the Ontario Human Rights Code or to restrict or inhibit a employee's or job applicant's right to file a complaint with the Human Rights Tribunal of Ontario.

## **5.0 Principles**

The principles of accommodation involve the following three factors:

### *Respect for dignity*

Accommodations should be considered along a continuum from those that most respect an employee's right to privacy, autonomy, and dignity, to those that least respects them . SKG will implement accommodations in a manner that respects the dignity of employees with disabilities at the highest level in the continuum that can be achieved without undue hardship. Respect for dignity also includes taking into account how an accommodation is provided and the employee's own participation in the process. SKG has a duty to maintain a positive environment for all persons it serves. SKG will address any behaviour that may be injurious to the dignity of employees with disabilities.

### *Individualized accommodation*

There is no set formula for accommodation. Each individuals needs are unique and must be considered afresh when an accommodation request is made. At all times, the emphasis must be on the individual employee and not on the category of disability. Differential treatment may sometimes be required to provide employees with an equal opportunity to achieve full benefit from the employment environment.

### *Inclusion and full participation*

SKG will make efforts to create or adapt the employment environment to accommodate employees with disabilities in a way that promotes their inclusion and full participation in all of SKG's activities and services.

## **6.0 Accommodations for employees**

SKG commits to provide accommodation to employees for needs related to the grounds of the Ontario Human Rights Code. Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion.

SKG shall work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's policy and guidelines on disability and the duty to accommodate.

- A decision on undue hardship shall be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.
- Where an accommodation is assessed to create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of his or her recourse under the Ontario Human Rights Code.
- Where a decision has been made that an accommodation would cause undue hardship, SKG shall implement the next best accommodation short of undue hardship.

### **6.1 Scope**

This section of the policy applies to all SKG employees with a temporary, persistent or prolonged or permanent disability.

### **6.2 Definition of accommodations**

For the purposes of this policy, "accommodation" means an adaptation or adjustment made to support an employee with a disability in the performance of essential duties or requirements of the position. Such requirements must be reasonable and bona-fide in the circumstances.

Accommodation provided may include the following types of accommodation, as appropriate:

- Human support services such as sign language interpreters and readers,
- Technical aids and devices and adaptive technologies,
- Workstation and/or minor office modifications,
- Position redesign,
- Reassignments and alternative jobs,
- Flexible or alternative work schedules,

- Leaves of absence,
- Temporary rehabilitative assignments, and/or
- Retraining plans.

Other accommodations may be appropriate, depending on the needs of the employee.

### **6.3 Definition of disability**

For the purposes of this policy, “disability” is defined as in the Ontario Humans Rights Code and AODA and means:

- Any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness and includes 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 other animal or on a wheelchair or other remedial appliance or device;
- A condition of mental impairment or a development disability;
- A learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- A mental disorder; or
- An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

### **6.4 Employment accommodations**

In keeping with the requirements of the Ontario Human Rights Code, SKG shall accommodate an employee with a disability up to the point of undue hardship in order for such employee to be able to perform the essential duties of their job or an alternate position that may be available in accordance with the Ontario Human Rights Code (OHRC) and other applicable legislation.

SKG shall make efforts to build or adapt the work environment to accommodate employees with disabilities in a way that promotes their dignity, inclusion, and full participation.

SKG shall make efforts to prevent and remove barriers so that employees are able to access their environment and face the same duties and requirements with dignity and without impediment.

SKG shall attempt to re-employ an employee who has been unable to work as a result of a disability arising from an injury or otherwise arising during the course of the individual's employment with SKG, in a manner which is consistent with SKG's policies and practices.

SKG shall assess accommodation on an individual basis with appropriate expertise from within and outside SKG, as necessary.

The Director of Human Resources shall establish a procedure concerning accommodations for employees with disabilities. The procedure shall address:

- The process which SKG will use to determine accommodations for employees;
- The development of an accommodation plan;
- Requirements and procedures for resolution of employees' concerns about accommodations;
- The roles and responsibilities of employees, the Director of Human Resources, and SKG;
- Confidentiality; and
- Accommodations for applicants in the hiring process.

## **7.0 Accommodations for job applicants**

SKG shall accommodate any applicants for employment who require accommodation during the application and hiring process in accordance with OHRC guidelines and other applicable legislation, and in a way consistent with its policies concerning accommodation for employees.

## **8.0 Limitations on accommodation**

Consistent with the provisions of the Ontario Human Rights Code and guidelines of the Ontario Human Rights Commission, SKG's commitment to provide accommodation is up to the point of undue hardship.

SKG is required to accommodate employees with disabilities to the point of undue hardship.

The Ontario Human Rights Code identifies three factors that are to be considered in assessing whether a requested accommodation would cause undue hardship:

- Cost
- Availability of outside sources of funding, and
- Health and safety requirements.

No other considerations can be properly considered.

The nature of the evidence required to prove undue hardship must be objective, real, direct, and, in the case of cost, quantifiable.

SKG shall make a decision on undue hardship only on the basis of considerations allowed by legislation and the policies of the Ontario Human Rights Commission, and on the basis of objective evidence.

Where an accommodation is assessed to create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of SKG's process

to resolve concerns (as set out in this policy) and of their recourse under the Ontario Human Rights Code.

Where a decision has been made that an accommodation would cause undue hardship, SKG shall implement the next best accommodation short of undue hardship.

## **9.0 Resolution of concerns about accommodations**

The Director of Human Resources shall establish a process by which an employee may appeal a decision taken by SKG concerning an accommodation plan.

The board of SKG shall appoint an ad hoc or standing committee of at least three of its members to consider appeals concerning an accommodation plan.

Decisions taken by the board or its committee are final.

## **10.0 Related Policies, Procedures & Documents**

HR 03 Procedure for Accommodations in Employment

HR 01 Human Resources and its associated procedure

HR 04 Safe and Healthy Workplace and its associated procedure

OP 01 Accessibility

These and other SKG human resources policies and procedures may be found [here](#).

## **11.0 Responsible Officer**

Director of Operations

## **12.0 Version history**

Approved by:	Board
Original Approval Date:	March 28, 2023
Current Approval Date:	March 28, 2023
Effective Date:	March 28, 2023

SKG gratefully acknowledges that this policy has been patterned on policies and procedures of OCAD University and Trent University and the Ontario Human Rights Commission's *A policy primer: Guide to developing human rights policies and procedures*.

