

Guidelines on the Provision of Accommodation Measures to University Staff

Purpose

1. Having regard to privacy and human rights legislation, the purpose of these guidelines is to set out the following:
 - (a) the general principles on the provision of accommodation measures to University staff members with a condition resulting in special needs: and
 - (b) the responsibilities of the University and of the staff members in the provision of accommodation.

General Principles

2. The University has an obligation to offer reasonable accommodation measures and to make reasonable efforts to eliminate barriers to a staff member with a medical condition, disability or a handicap as defined under the Ontario Human Rights Code.
3. Reasonable accommodation measures refer to a change to the work, work methods or workplace so as to enable the person to satisfy the *bona fide* occupational requirements of the job and to achieve the outcomes or deliverables of the job. Accommodation is not an entitlement program. It is a method of enabling the staff member to deliver the required results of the job.
4. There may be instances where accommodation measures requested by a staff member may cause undue hardship and that the University is unable to implement the accommodation. For example, the accommodation requested may cause a threat to the staff member's health or safety or to the health and safety of others; or it may cause a significant disruption to the workplace, to labour or employment relations. It may also be impossible to implement if it compromises the integrity of the University's academic programs or imposes fundamental changes to their delivery.
5. In its efforts to provide appropriate accommodations to its staff, the approach adopted by the University is a collaborative one. The process of requesting, granting, developing and providing an accommodation involves not only the cooperation of the staff member concerned and his or her treating physician(s) or other professional(s). It must also involve the participation and cooperation of other sectors and individuals within the University. For example, depending on the nature and extent of the medical condition, disability, handicap, special need or accommodation, any one or many of the following representatives may be required in the development and provision of an accommodation: the Dean of the Faculty, the Director of the Department, School, academic unit or of an administrative service, the employee's supervisor, the Manager of Occupational Health, Disability and Leave, the Director of the University's Health Services, the Chief Administrative Officer of the Faculty, the Director of Physical

Resources and other representatives at Physical Resources, including, for example, those responsible for space allocation, housekeeping, landscaping or renovations.

Responsibilities of the Staff Member:

6. The staff member is expected to:
 - (a) self-identify as having a medical condition, disability or handicap that prevents him or her from satisfying the requirements of the job;
 - (b) request accommodation in order to perform his or her job duties;
 - (c) provide to the Manager of the Occupational Health, Disability and Leave Sector on a confidential basis all information and documentation from the appropriate and qualified health care or other professional to sufficiently explain the nature and extent of the accommodation requested; and
 - (d) assist the University in its efforts to accommodate including, participation in identifying solutions that the University may reasonably pursue to address accommodation issues.

University Responsibilities:

7. The University is expected to:
 - (a) respect the dignity of the staff member seeking accommodation;
 - (b) secure all relevant information related to the accommodation requested;
 - (c) investigate, identify and assess accommodation options; and
 - (d) provide an explanation if the accommodation requested is not possible or reasonable.

8. The Occupational Health, Disability and Leave Sector (OHDLS) seeks to promote and maintain the well-being of staff members. The responsibilities are, among others, to:
 - (a) receive all medical and health related information and documentation from the staff member, the staff member's attending physician(s) or other professional(s) related to the staff member's condition and to the nature and extent of the accommodation;
 - (b) preserve the confidentiality of the health record of staff members sent to it;
 - (c) with the consent of the staff member, make inquiries of the staff member, the attending physician(s) or other professional(s) for additional information or for clarification on the

medical information or information related to the nature and extent of possible accommodation measures;

- (d) communicate the nature and the extent of possible accommodation measures to those University representatives involved in the implementation of the accommodation on a need-to-know basis and in order to provide or carry out reasonable accommodation;
- (e) maintain contact with the staff member during any sick leave or long-term disability and coordinate with the Faculty, Department, School or Service the return to work following a prolonged absence arising from the staff member's medical condition.

Privacy and Confidentiality Issues

9. The disclosure of health records or of medical information by OHDLS requires the staff member's written consent and authorization. University representatives involved in the development or the provision of accommodation must preserve the confidentiality of health records and must respect the staff member's privacy.

10. All those involved in making decisions whether to accept or refuse a request for accommodation must also recognize their obligation to respect both the privacy and dignity of the staff member concerned.

11. The implementation of certain accommodations may require the communication of information to others on the nature and the extent of the accommodation. This kind of communication is done on a need-to-know basis only.

12. There may be instances where it is beneficial to communicate general information on a disability or medical condition in order to increase workplace understanding and to help other staff members and students recognize the difficulties experienced by a person with such a condition. This kind of communication should not single out the staff member but rather it should be meant to avert stigma, prejudicial behaviours, unwarranted criticism and preventing the occurrence of conditions contributing to or aggravate a medical condition or disability.