



University of Ottawa Faculty of Medicine

Postgraduate Medical Education (PGME) Policy and Procedures for Accommodation of Postgraduate trainees with Disabilities

PURPOSE

The purpose of this document is to establish agreed upon principles and procedures regarding requests for accommodation by the University of Ottawa Faculty of Medicine postgraduate medical education trainees with a disability.

The University of Ottawa (uOttawa) Faculty of Medicine, Postgraduate Medical Education (PGME) program is committed to ensuring that appropriate accommodations are provided for postgraduate medical education trainees with disabilities by making efforts to create barrier-free learning environments and by providing other supports and services as available. Accommodations are a legal obligation of the uOttawa under The Ontario Human Rights Code, and the goal of any accommodation plan is to allow equal benefit from and participation in services, education or the workplace. Reasonable accommodation may require members of the University and hospital community to exercise creativity and flexibility in responding to the needs of trainees with disabilities.

The uOttawa PGME will comply with all applicable federal, provincial, and municipal legislation with respect to accessibility and will implement the standards specified under The Ontario Human Rights Code.

Accommodation is a shared responsibility. It is most effectively provided when those involved approach the process with fairness, sensitivity, respect for confidentiality and co-operation. This requires the exchange of relevant information between the appropriate parties, and a constructive discussion about the appropriate accommodation in the circumstances. Accommodations support diversity in the workplace and learning environment. They create a fair and level training environment for all trainees to thrive in.

The uOttawa PGME's guidelines and procedures are consistent with the uOttawa central policies on [Accessibility](#) and on [Academic Accommodations](#).

These guidelines are presented as additional information and guidance for the particular situation of the PGME program whereby trainees are both registered students of uOttawa and employees of the academic hospital. Appropriate accommodations are highly individualized by nature, however; the process to assess accommodations will be done in a standardized and consistent manner across the uOttawa.

DEFINITIONS

(consistent with uOttawa Academic Regulation 16 on Academic Accommodation)

Academic standards:

Accommodation is a legal obligation and the goal of any accommodation plan is to allow equal benefit from, and participation in, services, education or the workplace. Regardless of disability, all trainees must meet educational standards of quality and excellence in education for certification and independent practice which are determined by the Royal



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College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada.

Appropriate Accommodation:

Appropriate accommodation refers to an accommodation that meets individual code ground- related needs and results in equitable opportunity for that individual to enjoy the same level of benefits, privileges, and opportunities that are made available to others in the university community with no alteration in academic standards³ or outcomes, although the manner in which the individual demonstrates mastery of knowledge and skills may be altered.

Appropriate accommodation is one that is required by law to the point of undue hardship and may require members of the University community to exercise creativity and flexibility in responding to the needs of trainees with disabilities. All relevant factors will be taken into account when assessing an appropriate accommodation and include:

- a) The nature and extent of the requested Accommodation;
- b) The length of time the proposed Accommodation will be required;
- c) The link between the proposed Accommodation and the identified barrier it seeks to eliminate or reduce;
- d) Whether the existence of the Protected Ground or the request for Accommodation presents a non-trivial risk to Patient Care, Safety and Well-being that cannot be managed by an Appropriate Accommodation;
- e) The PGME trainee's Program and the impact of the proposed Accommodation on it;
- f) Whether the PGME trainee will be unable to meet the Essential Skills and Abilities and all Bona Fide (in "good faith" or "genuine") Requirements/Qualifications;
- g) Any non-trivial negative impact on other PGME trainee(s) or Appointees;
- h) Any non-trivial impact on members of health care teams, hospital personnel, hospital employees and operations, and service users;
- i) CPSO's Standards of Practice, Rules and Procedures;
- j) Any impact on other Protected Grounds.

Appropriate documentation:

Appropriate documentation means current, thorough, and appropriate assessment from a registered and regulated health professional qualified to diagnose a condition, to verify a disability and to understand the impact of the disability and any resulting functional limitations it places on a student.



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Disability:

Disability refers to a degree of permanent, temporary or fluctuant physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediments, deafness or hearing impediment, muteness or speech impediment or physical reliance on a guide dog or other service animal or on a wheelchair or other remedial appliance or device;

- a) A condition of mental impairment or a developmental disability;
- b) A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- c) A mental disorder;
- d) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997

Academic accommodation » refers to permanent or temporary planned variation in the way a student or a student applicant with a disability⁶ receives course curriculum and materials, participates in academic activities, or demonstrates skills or mastery of knowledge of a course or a program through evaluation and assessment.

Discrimination in the context of a disability:

Discrimination occurs when an individual experiences an adverse impact in the services, education or workplace and their disability (under the Human Rights Code) is a factor. Intent is legally irrelevant for establishing that discrimination occurred. Discrimination can be direct, for example excluding a person with a disability from a vital component of the training program, or not providing examination accommodation which would permit for valid assessment of knowledge or skills. Discrimination can also be subtle, for example excluding applicants on the basis of gaps in work history that may signal the presence of a disability.

Duty to Accommodate:

The University of Ottawa has a legal duty to accommodate the needs of PGME trainees with disabilities. The duty to accommodate is established by the Ontario Human Rights Code. The intent of the duty to accommodate is to ensure that persons with a disability are not unfairly excluded where working conditions can be adjusted for their full integration to the point of undue hardship. In some circumstances, persons with disabilities may require short or long term accommodations. The goal of any accommodation plan is to allow equal benefit from, and participation in services, education or the workplace.



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Accommodations are not an advantage as they facilitate the ability of an individual to reach their full potential in the educational and work environment.

Essential Skills and Abilities:

Essential skills and abilities means those specific skills, abilities, duties, or practices that are necessary to meet the admission, progression and graduation requirements that are essential to maintain the academic integrity of a course, of study, or program, including the requirements for Medical Learners to acquire and demonstrate Essential Skills and Abilities related to program objectives, learning outcomes, and any professional licensing requirements. These are set out by Royal College of Physicians and Surgeons of Canada and the College of Family Physicians of Canada.

Undue Hardship:

The University of Ottawa has a duty to provide accommodations to PGME trainees to the point of undue hardship. Inconvenience, preference, and modest cost are not valid considerations in assessing whether an accommodation would cause undue hardship. The following may be considered undue hardship:

- Additional costs that compromise the financial viability of the program. To note that financial costs are rarely a factor when determining undue hardship.
- Compromise of the health and or safety of the PGME trainee with the disability, patients, colleagues, or supervisors

GUIDING PRINCIPLES

Shared Responsibilities:

When considering and making decisions about accommodation, three (3) key stakeholders must be kept in mind: patients, trainees and training programs. Patient care and safety are of primary importance. If the system provides the necessary supportive and enabling accommodations, trainees may be able to provide equally safe patient care from a different perspective.

Accommodation is a shared responsibility. It is most effective when those involved, including the PGME trainee, approach the process with fairness, sensitivity, respect for confidentiality and cooperation. This requires the exchange of relevant information to the appropriate parties, and constructive discussion to find an appropriate accommodation.

Abilities:

The focus of accommodations and related policies/procedures should be on the abilities, essential skills and competencies a trainee needs to provide safe, effective, clinical



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patient care. Supportive and enabling accommodations may allow trainees with disabilities to demonstrate these abilities. These abilities and the resources required to accommodate, may differ across the continuum of education and practice, but there should be as much alignment as possible between Undergraduate Medical Education, Postgraduate Medical Education and into clinical practice.

Dignity and Equity:

Trainees have the inherent right to be valued and respected. Accommodations provided to trainees should be appropriate and equitable across and within PGME programs, within the confines of a particular discipline or training site. Appropriate accommodations are necessarily highly individualized but the process to assess what is an appropriate accommodation will be approached in a standardized manner and be consistent across the University of Ottawa.

Transparency:

Trainees should be informed about the policies and processes pertaining to accommodations, and should be able to access this information during the residency application process. Trainees should be forthcoming about sharing their accommodation documentation in advance with those who need to know, with a fair process employed at the appropriate time (e.g. post-CaRMS match).

Competency:

The academic integrity of the learning and assessment processes must be upheld to produce competent physicians. Accommodations are not a lowering of academic standards or competencies of a postgraduate trainee/physician. Rather, they are in place to allow equal benefit from and participation in the training and working environment so that every trainee has the opportunity to succeed and become a competent physician”

Confidentiality:

Accommodation information should be shared only with those individuals who need to know. Parties are not entitled to all relevant information, but rather the minimum needed to facilitate the accommodation.

The Accommodation request, plan and all information related will be treated confidentially and will not be disclosed without explicit consent from the postgraduate trainee.

Only the functional limitations and required accommodations and not the nature of the disability will be disclosed to the Program Director. The Program Director may then disclose the accommodation with others only on need-to-know basis.



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Programs are reminded not to request personal health information from PGME trainees. This includes but is not limited to the exact nature of disability or the treatments undertaken.

Patient Care and Safety:

When considering making accommodation decisions, patient care and safety are of primary importance.

ACCOMMODATION PROCESS

Identification of Postgraduate trainees requiring accommodation:

- a) PGME trainees are informed of the procedures to request accommodation for disabilities via:
 - i. A statement included in the enrolment package sent by email to incoming and returning trainees.
 - ii. Orientation sessions organized for all incoming trainees and through program-based orientation sessions;
 - iii. An e-mail sent to all PGME trainees at the beginning of each academic year.

- b) The PGME trainee requiring accommodation can be identified by any of the following means:
 - i. On selection or entry to the PGME program, they may indicate to the PGME Office, Program Director, or Faculty Wellness Program the need for accommodation. If the PGME Office or the Program has been the first point of contact, then they will contact the Faculty Wellness Program. The Faculty Wellness Program will support the trainee and help determine appropriate documentation in order to complete the request for accommodation.

 - ii. Early notification by the trainee can help ensure a timely development of an Accommodation Plan (if needed) so that their training commences on the official start date. Prospective PGME trainees should not presume the continuation of a previous accommodation plan.

 - iii. During the course of the residency program, a PGME trainee may disclose the need for accommodation to the PGME Office, Program Director, or the Faculty Wellness Program indicating that he/she would benefit from accommodations. If the Program Director has been the first point of contact, then they will contact the Faculty Wellness Program. The Faculty Wellness Program will support the trainee and help determine required appropriate documentation in order to complete the request for accommodation.



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Implications of the time required for an assessment and development of an Accommodation Plan:

- a) The PGME program is committed to providing expeditious accommodation wherever possible. We acknowledge that given the intensive nature of the PGME training, as well as the specialized needs of the medical profession, investigation of the feasibility of accommodation options may take some time. In addition, the implementation of accommodation plans, when deemed feasible, may involve some modifications to the scheduling of components of the residency program. As such, the sooner a postgraduate trainee advises the PGME Office, Program Director or Faculty Wellness Program about their need for an accommodation, the sooner the process for accommodation can begin.
- b) PGME trainees who anticipate requiring time to organize suggested accommodations may choose to exercise the following options:
 - i. Admission deferral: Learners who have been accepted into a residency program may choose to exercise admission deferral.
 - ii. Medical leave: PGME trainees who are currently enrolled in a residency program, and who have been identified as having a disability, may apply for a medical leave.
 - iii. Administrative leave: PGME trainees who are currently enrolled in a residency program and who have an Accommodation Plan where time is required to set up the accommodation may apply for an administrative leave.
 - iv. There may be times when a trainee must lengthen their training due to the specific accommodations. An extension of training should only be exercised when a program has been able to demonstrate that a trainee cannot meet the educational training objectives and will not be able to meet them in another way.

Appropriate Documentation for an Accommodation request

- a) Medical Certification to support the Accommodation request:

The postgraduate trainee will be required to provide medical documentation to support the Accommodation request and it must meet all the criteria listed below. The form must:

- i. Be either in English or French or have attached to the original documentation an English translation of the documentation certified by a qualified translator;
- ii. be completed by a member of a regulated profession as defined under the Health Professions Act, and consistent with qualified professionals outlined in the UOttawa Student Accommodation Service Required Documentation Grid.

<https://sass.uottawa.ca/en/access/register/required-documentation>



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- iii. include the health professional's name, title, contact information, with original signature;
- iv. include the date(s) of assessment
- v. explain the relevant restrictions and limitations of the trainee to participation and performance in their PGME Training Program, including any impact on Patient Care, Safety and Well-Being; and
- vi. make recommendations for Accommodations as they relate to the restrictions and limitations
- vii. include a length time for the recommended accommodations.

b) Accommodation Plan:

A written Accommodation Plan must be completed for all accommodations over a one (1) month duration. The Accommodation Plan is to be created based upon the documentation and agreed upon by the Faculty Wellness Program, the postgraduate trainee and their Program Director. Where indicated as per this Accommodation Guidelines and Process the PGME Accommodation Planning Committee may be involved in developing the Accommodation Plan.

Process for developing the Accommodation Plan:

- a) When a PGME trainee identifies the need for an accommodation to their Program they will be offered the services of the Faculty Wellness Program to support them. This is to ensure they are aware of the procedural, legal and human rights considerations involved with Accommodations. A trainee who is requesting an accommodation of more than one month and/or where there are concurrent significant learning concerns (ie: a formal learning plan, remediation or probation) must meet the Faculty Wellness Program for their accommodation.
- b) Once the Faculty Wellness Program has been informed of a PGME trainee requesting an accommodation, the Assistant-Dean, Faculty Wellness Program or delegate will meet with the trainee and confirm a documented disability.
- c) The Faculty Wellness Program will take the lead in coordinating discussion about the Accommodation request with any required outside parties, the Residency Program, and the Assistant-Dean, PGME.
- d) The trainee requesting an Accommodation due to a disability must:
 - i. provide all information and documentation reasonably necessary to support the Accommodation request, including where requested by the Accommodation Planning Committee or otherwise required pursuant to this Process as detailed;



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- ii. participate and cooperate in the process of assessing and determining an Appropriate Accommodation, including obtaining supporting documentation; and
 - iii. Once accommodated, meet the academic standards and all essential skills and abilities for their PGME training program.
- e) After meeting with the trainee and reviewing the documentation and **depending on the nature and scope** of the request the Faculty Wellness Program will either:
 - i. direct that the request for Accommodation be provided to the Postgraduate trainee's Program Director for implementation as well as to the PGME; or
 - ii. direct that an Accommodation Planning Committee be constituted to assess the request for Accommodation and develop and Accommodation Plan in accordance with sections 3) e-j.
- f) The Faculty Wellness Program will be responsible for organizing the meeting of the Accommodation Planning Committee.
- g) The Program Director, PGME trainee, or Assistant-Dean PGME can make a written request to the Chair of the Accommodation Planning Committee to call a meeting.
- h) The Accommodation Planning Committee will be created to assist in developing and ensuring implementation and success of a plan of appropriate accommodation as detailed in the Appendix: Terms of Reference for the Accommodation Committee. If there is a delay in acquiring a comprehensive assessment, the Accommodation Planning Committee will meet to develop an interim plan.
- i) The Accommodation Planning Committee will meet to develop the accommodation plan. An accommodation plan is designed to allow the trainee to meet program requirements; however, it does not guarantee successful completion of the program.
- j) Confidential records of all information regarding accommodation shall be placed and kept secure in the Faculty Wellness Program's trainee file. Any medical documents or documents containing personal health information regarding diagnosis will be kept on file at the Faculty Wellness Program. The Assistant-Dean, Faculty Wellness Program is identified as a Health Information Custodian under Personal Health Information Protection Act, 2004 (PHIPA). The accommodation plan, Accommodation Planning Committee minutes, dates of implementation, and any subsequent modifications to the original accommodation will be kept by the Faculty Wellness Program. A copy of the Accommodation Plan will be shared with the postgraduate trainee's Program Director and the Assistant-Dean PGME. This information will not form part of the Postgraduate trainee's academic record.



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- k) The PGME trainee shall be provided with a copy of all documents and other information applicable to him/her that is reviewed, created or discussed by the Accommodation Planning Committee. The PGME trainee shall be provided with an opportunity to make submissions to the Accommodation Planning Committee pertaining to the meaning, accuracy and applicability of any such documents or other information.

Implementation of the Accommodation Plan:

- a) Once an Accommodation Plan is approved by the Accommodation Planning Committee (APC), the PGME trainee is expected to distribute the Accommodation Plan to their Program Director. Where necessary the relevant parts of the Accommodation Plan can be shared with other site directors or preceptors with the consent of the postgraduate trainee.
- b) The Program Director is responsible for working with the Accommodation Planning Committee and PGME trainee to make sure the accommodations are implemented by the program.
- c) The specific logistical requests for accommodation will be forwarded to those responsible for facilitating them without disclosure of the nature of the disability.
- d) The Accommodation Planning Committee will ensure that appropriate individualized accommodation is implemented proactively as the student moves through the residency program. The Accommodation Planning Committee will work with the PGME trainee at any point during residency to review accommodations.

Monitoring of the Accommodation Plan:

- a) An Accommodation Plan is a living document and as such, updates to the Accommodation Plan can happen at any time during residency training, following the process as outlined above and must be agreed to by all stakeholders.
- b) Accommodation plans should be reviewed at minimum every six (6) months by the Program to ensure accordance between accommodation needs of the PGME trainee and requirements of the residency program.
- c) Plans will be reviewed by the Accommodation Planning Committee once every six (6) months, to determine whether further accommodations are appropriate in the case of a Postgraduate trainee who does not progress as expected.

Concerns about Accommodation Plan or failure to Accommodate:



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If the trainee or the Program Director is not in agreement with the accommodation plan, it will be brought to the Vice-Dean PGME who will consider the request. Their decision will be final. If there are further concerns the trainee can bring a request to the Ontario Human Rights Tribunal.

In cases where there are such concerns by the trainee they will also be referred to the uOttawa Human Right Office (HRO) for support and information about their concerns or complaints of a failure to accommodate. The uOttawa HRO decisions are internal and do not bind the Ontario Human Rights Tribunal.

Failure to successfully achieve competencies despite accommodations:

If it becomes apparent that despite appropriate accommodations, the Postgraduate is not able to successfully achieve the educational standards of the residency program, the Postgraduate trainee is encouraged to seek career counselling from a Mentor, Faculty member, Faculty Wellness Program, Assistant Dean PGME, for advice regarding alternate career options. Alternate career options may include transferring to another residency program, geographic specialty or both, or withdrawal from residency.

POLICY REVIEW AND CHANGE HISTORY

The PGME Disability Accommodations Guidelines, Procedure for Accommodation of Postgraduate Medical Education trainee with Disabilities will be reviewed annually by the Faculty Wellness Program and PGME Office for the first three (3) years and biannually thereafter.

APPENDIX

Terms of reference for PGME Accommodation Planning Committee

Committee

Postgraduate Medical Education Committee (PGEC)
Faculty Council

Approval Date

June 16, 2021
September 14, 2021