



# Accommodation in Employment Policy

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## 1. Purpose

This policy provides guidelines and direction regarding the accommodation in employment for OCAD University (“OCAD U” or “the University”) employees and job applicants, as defined in the *Ontario Human Rights Code* (OHRC) ) including but not limited to family status, disability, religion, and other applicable legislation, including the *Accessibility for Ontarians with Disabilities Act* (AODA).

This policy outlines the University’s commitment to promoting an inclusive, respectful workplace that values the well-being and needs of its employees and it also provides a clear statement on the obligations and responsibilities inherent in the accommodation process.

OCAD University is dedicated to thoroughly considering all accommodation requests in good faith. The University will strive to provide reasonable accommodation when a need is established, unless doing so would compromise a genuine occupational requirement or cause undue hardship.

## 2. Scope

This policy applies to all University employees and job applicants who may require accommodation during their employment and/or hiring process..

This policy also applies to third party vendors, contractors, co-op students and those with an employment-like relationship with the University.

### 3. Policy

OCAD U will provide reasonable accommodations for employees to be able to perform the essential duties of their job, or an alternate position that may be available that the employee is qualified to perform, in accordance with the *Ontario Human Rights Code (OHRC)* and other applicable legislation.

The University commits to ensure that its performance management, career development and redeployment processes consider the accommodation and accessibility needs of employees.

OCAD U will endeavor to accommodate job applicants, during the hiring process in accordance with *OHRC* guidelines and other applicable legislation.

This policy was developed as a complement to the University's Respectful Work & Learning Environment Policy (Policy 8001), which promotes principles of equity, diversity and inclusion at OCAD U, and the Fit for Duty Policy (Policy 9.3).

#### **THE DUTY TO ACCOMMODATE: General Principles**

Employees have the right to work in an environment that is respectful of their dignity. Human dignity encompasses individual self-respect and self-worth. It is concerned with physical and psychological integrity and empowerment.

The University will consult with employees and their managers/ supervisors when arranging for the provision of suitable accommodation in a manner that considers their needs under the *Ontario Human Rights Code*. Accommodation solutions will be implemented in a manner that respects the dignity of employees, and prospective employees.

#### **Inclusion and Full Participation**

The University will make efforts to build or adapt the work environment to accommodate employees with disabilities in a way that promotes their inclusion and full participation. Preventing and removing barriers means employees should be able to access their environment and be able to fulfil the same duties and requirements with dignity and without impediment.

#### **Individual Accommodation**

A request by an individual for accommodation should be accompanied by documentation deemed satisfactory by the University, outlining the specific restrictions arising from the disability or other job-protected ground. Where a managerial supervisor has reason to believe that an employee may require accommodation, the Employee Wellness Specialist within the People & Culture office should be contacted.

Accommodation will be assessed on an individual basis with appropriate expertise from within and outside the University, as necessary. The People & Culture office will serve as a resource to the employee and/or department in any case requiring the accommodation of an employee currently in the workplace, or an attempt to return an employee to the workplace as a result of an absence due

to illness or accident. It is expected that the employee requiring accommodation will be involved in all levels of discussion to reach a solution.

The People & Culture office will also serve as a resource to a prospective employee regarding accommodation requirements, and/or to a department that will potentially be required to accommodate a new employee.

## DEFINITIONS

Statutory definitions as set out in the *OHRC*, RSO 1990, Chapter H. 19 can be found online at <http://www.ohrc.on.ca>.

**Accommodation:** Accommodation is an adaptation or adjustment made to support a person in the performance of essential duties or requirements of the position to the point of undue hardship.

**Barrier Removal:** Proactively identifying and eliminating barrier(s) that prevent persons from accessing opportunities and participating fully.

**Duty to Inquire:** An employer is required to inquire if an employee needs an accommodation if the employer observes a change in their attendance, performance and/or behaviour.

**Fit for Duty:** The ability to perform duties safely and competently, particularly those that are safety sensitive, without any limitations or adverse effects resulting from, but not limited to: the use or after-effects of illegal drugs, alcohol, cannabis and/or medications; the misuse of and/or failure to take prescribed medications; and/or fatigue.

**Human Dignity** Recognising the inherent worth, self-respect, and self-worth of every person, encompassing physical and psychological integrity, autonomy, and the right to be treated as a whole person, not just through a disability or stereotype.

**Inclusive Design:** Considering differences among individuals and groups when designing something, to avoid creating barriers.

**Undue Hardship:** The *OHRC* prescribes three considerations in assessing whether an accommodation could cause undue hardship: *cost, outside sources of funding, and health and safety considerations.*

<http://www.ohrc.on.ca><sup>[OBJ]</sup>.

## CONFIDENTIALITY

The University is committed to ensuring confidentiality throughout the accommodation process. The information obtained is kept in a secure location, separate from the employee file. Personal information concerning an employee's disability cannot be released without the prior written consent of the individual and must be managed in a manner that is consistent with privacy guidelines and applicable privacy legislation, where appropriate, and the *OHRC*.

In order to facilitate the accommodation process, it is expected that employees will provide information, including information from health care practitioners, where reasonably required, in order to implement accommodations in accordance with the *OHRC*.

## **SUMMARY OF RESPONSIBILITIES**

Operational responsibilities for implementation of this policy are shared by all members of the OCAD U community. Some areas of the University, however, are specifically accountable for implementing portions of this policy.

### **People & Culture Office**

The People & Culture office in conjunction with the Employee Wellness Specialist is responsible for:

- Advising employees and applicants of relevant University policies, procedures and labour agreements and the mechanisms available for them for pursuing solutions;
- Providing disability management services;
- Working in collaboration with managers / supervisors, who may believe their employee may benefit from an accommodation. P&C &/ Employee Wellness Specialist may, under the Duty to Inquire, proactively ask the employee if they require an accommodation when circumstances such as disability, family status, religion may be impacting them even if no formal request has been submitted.
- Promoting an environment supportive of request for accommodation by:
  - Communicating this policy and the availability of support in relation to it to OCAD U employees;
  - Providing guidance and training support to managerial supervisors about accommodations;
- Providing assessment and training where required;
- Facilitating position placements where appropriate;
- Advising on contractual requirements concerning employee accommodations;
- Coordinating the accommodation of position applicants and employees as appropriate;
- Assessing, in conjunction with the managerial supervisor, the employee. The Union or Faculty Association, if applicable, may be asked to support this process; position requirements and the employee's, or prospective employee's functional abilities for accommodation requirements;
- Developing an appropriate accommodation plan for applicants and employees with disabilities according to the guidelines and procedures of this Policy;
- Monitoring and evaluating accommodations to determine if the measures in place are effective in supporting employees accommodation request;
- Maintaining records of individual accommodation plans; and
- Providing an annual report on accommodation to the Executive Director, People & Culture for information.

### **Managerial Supervisors**

Managerial Supervisors are responsible for:

- Advising applicants and employees of this Policy and the procedures available for accommodation;
- Promoting an environment supportive of requests for accommodation, seeking guidance for this as needed;
- Identifying potential accommodation needs;

- Working with the People & Culture office in the development of appropriate accommodation for applicants and employees in accordance with the guidelines and procedures of this Policy;
- Fulfilling their responsibilities under any accommodation plans;
- Implementing and overseeing accommodations and facilitating the integration of the employee or prospective employee being accommodated; and
- Monitoring the success of individual accommodation plans and promptly addressing, in collaboration with People & Culture,, any deficiencies or any relevant changes in the workplace or the employee's needs.

### **Employees**

Employees are responsible for:

- Disclosing the particulars of their need for accommodation to the appropriate People & Culture representative, normally the Employee Wellness Specialist or designate;
- Participating in the accommodation process, e.g. by providing relevant information in a timely manner, identifying the duties that they are able or unable to perform, suggesting appropriate accommodation measures
- Fulfilling their responsibilities under any accommodation plans; and
- Monitoring the success of their accommodation plans and promptly addressing any deficiencies in the accommodation plan or any relevant changes in their work-related needs.

### **The Union and Faculty Association**

The Union and Faculty Association are expected to take an active role as partners in the accommodation of their members, fulfill their responsibilities under any accommodation plans, and share joint responsibility with the University to promote accommodation.

### **All Participants**

All parties involved of the accommodation process have a shared responsibility to work collaboratively and collegially. Employees that are engaged with the accommodation process can address concerns and feedback with the Employee Wellness Specialist, Union and Faculty Association and The Office of Diversity, Equity and Sustainability Initiatives (ODESI). ODESI is available for confidential consultation regarding human rights concerns and/or complaints about employment-related accommodations, including information regarding informal and formal processes for complaint resolution.

## APPENDIX A: Accommodation Process

### **Short-Term Accommodation of Non-Medical Based & Disabilities in Employment**

If a disability prevents an employee from fulfilling the essential duties of their position for a temporary period, the University will provide a short-term accommodation to the employee. The objective of the short-term accommodation is the graduated return of an employee to full duties. A short-term accommodation may include modified hours and/or duties, modified work location, and/or ergonomic interventions for a limited period of time.

Non-medical accommodation may include modified hours, modified work location and/or duties for a limited period of time.

### **Long-Term Accommodation of Non-Medical Based & Disabilities in Employment**

The University shall endeavor to provide long-term accommodations to enable an employee with a disability to fulfill the essential duties of the position. Long-term accommodation may include modification of a workspace, work location, equipment, and/or duties.

### **Accommodation Process**

1. All medical / disability-based accommodation requests shall be directed to the Employee Wellness Specialist in the People & Culture office.
2. All non-medical accommodation requests shall be directed to the employee's manager. The manager after reviewing the request may be able to meet the accommodation request. The manager shall inform the employee of the outcome of the request, in writing, with a copy to the Employee Wellness Specialist. The manager and/or employee may include the Employee Wellness Specialist as part of the review process.
3. Accommodation requests will be acknowledged within ten (10) business days of receipt. The University will endeavour to implement approved accommodations within a reasonable timeframe, however, additional time may be required for review and implementation of some cases.
4. A representative of the People & Culture office, normally the Employee Wellness Specialist, shall meet with the employee to explain the work accommodation process and to obtain relevant information surrounding job limitations and restrictions. The employee will be informed of their right to representation during these discussions and may request that a Union or Faculty Association representative be present at such meetings.
5. The Employee Wellness Specialist shall contact the managerial supervisor to obtain information about the position held by the employee. The Employee Wellness Specialist shall work with the employee's managerial supervisor to review the assessment and determine, if required, whether a long-term accommodation is viable.

6. As part of the development of the accommodation plan, the Employee Wellness Specialist and/or the Executive Director, People & Culture may request that a functional capacity assessment be completed, at the University's expense.
7. The Employee Wellness Specialist shall then prepare an appropriate accommodation plan in partnership with the employee and the manager.
8. The University shall determine whether:
  - The employee can perform the essential duties of their current position with an accommodation;
  - The employee should receive further intervention, such as work hardening, before an accommodation can be provided; and
  - The employee's limitations cannot be accommodated in their own position and, if so, whether they can be accommodated in another available and appropriate position, for which they are qualified to undertake.
9. An OCAD U accommodation plan includes but is not limited to the following:
  - All work-related functional limitations;
  - The objectives of the plan;
  - What accommodation measures will be provided;
  - A Personalized Workplace Emergency Response Plan (if required);
  - The timeframe associated with each accommodation measure (if applicable); and
  - Responsibilities for each accommodation measure and the overall accommodation plan.
10. If an approved long-term accommodation cannot be provided immediately, a short-term accommodation plan may be developed as an interim measure with anticipated timelines outlined in the accommodation plan.
11. A copy of the accommodation plan, once established, shall be provided to the employee and the manager by the Employee Wellness Specialist or written reasons for denying the accommodation.
12. The accommodation plan will be reviewed bi-annually, at a minimum, for long-term accommodation, and every 90 days for short-term accommodation, with the ability to be amended as necessary to reflect changed circumstances.

The accommodation plan will also be reviewed and updated if the employee's work location or position changes and/or the nature of the employee's disability changes.

### **Accommodation in the Hiring Process**

1. Job postings shall include a statement indicating that accommodation is available during the hiring and assessment process upon request to the People & Culture office for applicants.
2. Accommodation may be provided to an applicant at any time during the hiring process.

The University will notify job applicants when they are individually selected to participate in an assessment or selection process that accommodations are available upon request. The University will consult with applicants and provide or arrange for suitable accommodation.

3. Applicants may request accommodation at any time during the hiring process.
4. Accommodation for job applicants during the hiring process will be coordinated by the People & Culture office. Queries concerning accommodation shall be directed to the People & Culture office.
5. The Employee Wellness Specialist will work with applicants, as necessary, to arrange a suitable accommodation.
6. Accommodation may include accessible interview locations, extended time for assessments, and/or provision of assistive devices.