### **C. Accommodation Policy and Procedure**

(For accommodation of employees or applicants for employment, see also “Policy Re: *Integrated Accessibility* under the *Accessibility for Ontarians with Disabilities Act*,” below)

**Effective Date:\***

**Revised Date:\***

**Reviewed By:\***

**References:**

*Human Rights Code*, R.S.O. 1990, c. H.19

Policy and guidelines on disability and the duty to accommodate (OHRC: revised 2009)

*Integrated Accessibility Standards* (O. Reg. 191/11) under the *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c. 11

“Working Together: The Code and the AODA”

Section 6.3.1 of the Rules of Professional Conduct (“Discrimination”)

Paralegal Rules of Conduct

Section 33, Law Society Act, R.S.O. 1990, c. L.8

Guide to developing human rights policies and procedures (OHRC, revised 2013)

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**PURPOSE:**

XYZ commits to provide accommodation for needs related to the grounds of the *Ontario Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission’s Policy on Disability and the Duty to Accommodate. \*

The purpose of this Accommodation Policy and Procedure is to:

* Ensure that employees and partners at XYZ are aware of their rights and responsibilities under the *Ontario Human Rights Code* with respect to accommodation;
* Set out in writing the organization’s procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. XYZ will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

**SCOPE:**

This policy applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence.

**PROCEDURE:**

1. **Requests for Accommodation**

Requests for accommodation by staff, and families should be made to **[designated firm representative\*].**

Accommodation requests should, whenever possible, is made in writing. The accommodation request should indicate:

* The *Code* ground with respect to which accommodation is being requested
* The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation
* The specific needs related to the *Code* ground

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

1. **Provision of Information**

The parties to the accommodation process must share information about accommodation needs and potential solutions. It may in some cases be necessary to obtain expert opinions or information in order to confirm the need for accommodation, or to determine appropriate accommodations.

Further information related to the accommodation request may be required, such as in the following circumstances:

* Where the accommodation request does not clearly indicate a need related to a *Code* ground
* Where further information related to the employee’s limitations or restrictions is required in order 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 necessary in order to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice.

Failure to respond to such requests for information may delay the provision of accommodation.

The **[designated firm representative\*]** will maintain information related to:

* The accommodation request
* Any documentation provided by the accommodation seeker or by experts
* Notes from any meetings
* Any accommodation alternatives explored
* Any accommodations provided

This information will be maintained in a secure location, separate from the accommodation seeker’s file, and will be shared only with those persons who need the information.

1. **Privacy and Confidentiality**

XYZ will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the person seeking accommodation. Persons requesting accommodation will be asked only for information required to establish the foundation of the accommodation request, and to respond appropriately to the accommodation request.

1. **Accommodation Planning**

The **[designated firm representative\*]**, the person requesting accommodation related to a *Code* ground and, where appropriate, and any necessary experts will work together cooperatively to develop an Accommodation Plan for the individual.

An Accommodation Plan may include the following:

* A statement of the accommodation seeker’s relevant limitations and needs
* Arrangements for necessary assessments by experts or professionals
* Identification of the most appropriate accommodation short of undue hardship
* Clear timelines for the provision of identified accommodations
* Criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary
* An accountability mechanism

1. **Appropriate Accommodations**

Accommodation may take many forms, depending on the applicable Code ground. What works for one individual may not work for another. Each person’s situation must be individually assessed. In each case, the organization must implement the most appropriate accommodation, short of undue hardship. An accommodation will be appropriate where it results in equal opportunity to attain the same level of performance or to enjoy the same level of benefits and privileges experienced by others, and where it respects the principles of dignity, inclusion, and individualization.

The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include:

* Modification of dress code (eg. due to creed)
* Leaves of absence (eg. for religious observance, pregnancy, disability, or family status)
* Changes to scheduling or hours of work (eg. due to pregnancy, creed, or family status)

This list is not exhaustive.

1. **Undue Hardship**

Accommodation will be provided to the point of undue hardship. A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

A determination that an accommodation will create undue hardship may only be made by the **[\*designated firm representative].**

Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon.

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