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| <b>POLICY &amp; PROCESS No:</b> | I-e-45-65 |
| <b>ORIGINAL ISSUE DATE:</b>     | Dec-2012  |
| <b>EFFECTIVE DATE:</b>          | Dec-2019  |
| <b>REVISION DATE:</b>           | Jun-2024  |
| <b>NEXT REVIEW DATE:</b>        | Jun-2025  |

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| <b>TITLE:</b>        | Workplace Accommodation   |
| <b>ISSUED BY:</b>    | People & Culture, Occupational Health and Safety (OHS), Employee and Labour Relations   |
| <b>APPROVED BY:</b>  | Executive Committee   |
| <b>STAKEHOLDERS:</b> | Employees, learners, physicians, researchers, volunteers and any individuals employed by or affiliated with Sinai Health who require accommodation or who may be required to respond to an accommodation request. |

**PURPOSE & SCOPE**

Sinai Health is committed to providing inclusive barrier-free employment, facilities, and services that are aligned with our organizational values of Service, Humanity, Inclusivity, and Discovery as well as meet our legislated obligations. We are committed to behaviours that:

- Ensure high-quality, safe, and compassionate care;
- Show respect and empathy; and,
- Foster awareness and a sense of belonging.

This Policy applies to all employment-related activities, including: recruitment, assessment, selection, orientation, working conditions, promotion, training, performance management, career development, workforce transition, leaves of absence, return to work and redeployment.

The purpose of this Policy is to assist Sinai Health stakeholders who may require an employment-related accommodation in accordance with the Ontario Human Rights Code (the “Code”) and Sinai Health’s Respectful and Inclusive Workplace Policy.

Accommodation may involve physical, emotional or cognitive aspects and applies in all circumstances across all positions at Sinai Health. Employees who require accommodation must be able to perform the essential duties of an occupation that match his or her skills, qualifications, and abilities. Sinai Health is committed to meeting the accommodation needs of all employees to the point of undue hardship.

Refer to the Glossary of Workplace Accommodation Terms for definitions used in this policy.

**ROLES AND RESPONSIBILITIES**

**Manager/Supervisor**

- Work with Employee & Labour Relations, Occupational Health & Safety, and Workforce Planning throughout the accommodation process as required.

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- Individually assess requests for accommodation in good faith while considering all suitable and reasonable options for accommodation to the point of undue hardship.
- Ensure to document, monitor, and evaluate the success and effectiveness of ongoing accommodations on a regular basis.
- If an accommodation requires restriction to the standards of practice for a regulated health professional, consult with the Professional Practice team regarding any Mandatory Reporting requirements.

**Employee**

- Provide supporting medical documentation or other applicable evidence to Occupational Health (if the accommodation relates to a disability or other medical reason) or Employee & Labour Relations (if the accommodation relates to any other Protected Ground under the Code, e.g., family status, religion, etc.).
- Co-operate in the accommodation process and consider/accept reasonable accommodations.

**Employee & Labour Relations, Occupational Health & Safety, Workforce Planning**

- Provide direction and support to all stakeholders involved in the accommodation process.
- Assist in the coordination and identification of opportunities for safe, suitable, and meaningful accommodation.
- Investigate and respond to complaints regarding failure to accommodate.

**Union Representative**

- Co-operate and support union members throughout the accommodation process.

**PROCESS**

This Policy outlines the principles of accommodation as well as provides guidance for those involved in the accommodation process.

**Accommodation Principles**Individual Assessment

Accommodation requests must be assessed on an individual case-by-case basis and be addressed with in a timely manner so individuals can fully participate in all aspects of employment.

Dignity and Privacy

Individuals must be accommodated in a manner that their respects the dignity and privacy. Information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of assessing and implementing an accommodation. The

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collection, use and disclosure of personal information will be guided by the Confidentiality of Employee Information Policy.

Legal Obligations and Limits

Failure to explore requests for accommodation related to any of the Code’s prohibited grounds may constitute discrimination. Sinai Health and its representatives have a legal obligation to explore requests for accommodation, in good faith, based on its individual merits.

There is no obligation to pay an employee for an accommodation that includes time off/away from work. Where appropriate, Sinai Health employees may utilize their leave entitlements to facilitate an accommodation that requires time away from work.

**Declining an Accommodation Request**

There may be no requirement to accommodate if one or more of the following factors are present:

- The request is not linked to a protected/prohibited ground in the Code
- The requester fails to provide (where necessary) supporting documentation
- The denial of the request does not impose a Code-related disadvantage on the requester, such as where the individual has been appropriately accommodated in another manner, or where the request is related to a personal preference rather than a need for accommodation
- Functional limitations do not trigger the need for accommodation when reviewed against the essential duties of the job
- Evidence is received that contradicts the information provided by the employee
- Objective evidence supports that the accommodation would create undue hardship (refer to definitions)

**Duty to Accommodate**

The duty to accommodate can be a complex process. Employee & Labour Relations, Occupational Health & Safety, and Workforce Planning can provide advice/assistance in all stages of the process. Refer to the Accommodation Guidelines for more detailed information about accommodation related to specific prohibited grounds.

| Stage                         | Responsibility   | Process  |
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| Initial Accommodation Request | Accommodation Requester (i.e., employee, learner, physician, scientist, volunteer)<br>Note: although it is expected that the employee will take primary responsibility for initiating the need for | Employees who require job accommodation are responsible for advising their supervisor/manager in writing of: <ol style="list-style-type: none"> <li>1. Their need for accommodation</li> <li>2. The Code ground the accommodation is being requested on</li> <li>3. The reason accommodation is needed, including, where appropriate verifiable</li> </ol> |

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|                                     | accommodation, there may be some cases where the initiation for accommodation will come from the manager, Occupational Health or others. | <p>information and/or documentation to support the request</p> <p>Employees who are members of bargaining units, are entitled to seek accommodation advice and assistance from their applicable union representative.</p>   |
| Assessment                          | Management – supported by Employee and Labour Relations, Workforce Planning and OHS  | <p>Upon receiving an accommodation request, the manager will work with the requester, Employee and Labour Relations, OHS, and/or Workforce Planning and others as necessary to verify the need and identify an accommodation solution.</p> <p>The manager, in consultation with others as appropriate, may seek additional information to confirm the need and the appropriate accommodation.</p> <p>The manager is responsible for documenting and maintaining accommodation records in the employee file.</p> |
| Identifying Accommodation Solutions | Management – supported by Employee and Labour Relations, Workforce Planning and OHS  | <p>Management is responsible for determining the accommodation solution to ensure the accommodation matches operation need. Where there are several accommodation solutions to address the accommodation need, management can consider the employee's preference in determining the most effective and cost efficient solution.</p> <p>Where necessary and possible, temporary interim accommodation can be provided while further assessment and/or long-term solutions are explored/developed.</p>            |
| Implementation and Monitoring       | Management – supported by Employee and Labour Relations, Workforce Planning and OHS  | Accommodation solutions should be documented and communicated in writing to the requester. As accommodation needs may change over time, they should be reviewed periodically (at least annually) with the employee to assess the need for adjustments and/or the discontinuation of accommodation.  |
| Responding to Complaints            | Employee and Labour Relations & OHS  | Accommodation complaints will, where necessary, be addressed consistent with the Code of Ethical Conduct: Respectful Workplace Policy – Complaint Resolution Process.   |

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**Glossary of Workplace Accommodation Terms**

**Duty to Accommodate:** The legal obligation to take steps to eliminate disadvantage caused by systemic, attitudinal or physical barriers that unfairly exclude individuals or groups protected under the Code. It includes a duty to meet the needs of individuals and groups protected by the Code unless meeting such needs would create undue hardship. Failure to accommodate a person short of undue hardship is a form of discrimination (for additional disability related requirements, refer to the *Accessibility for Ontarians with Disabilities Act* and Sinai Health Policy).

**Barriers:** A barrier includes attitudes and/or designs that prevent people from fully participating in employment, facility use, and/or service provision. Individuals and groups can experience discrimination as a result of physical (building design), attitudinal (stereotypes or prejudices) or systemic barriers. Systemic barriers are formal or informal policies, practices or rules which, when applied in the same way to everyone, may have the effect of excluding or restricting the participation of individuals protected under the Code.

**Creed:** The Code does not define Creed, but courts and tribunals often refer to Creed as religious beliefs and/or practices. Creed may also include non-religious belief systems. As Creed is not clearly defined, the following characteristics have been relied on when considering whether a belief system is a Creed under the Code:

- It is sincerely, freely and deeply held
- It is integrally linked to a person’s identity, self-definition and fulfilment
- It is a particular comprehensive and overarching system of belief that governs one’s conduct and practices
- It addresses ultimate questions of human existence, including ideas about life, purpose, death and the existence or non-existence of a creator and/or a higher or different order of existence
- It has some nexus/connection to an organization or community that professes a shared system of belief Indigenous spiritual practices are protected under the Code ground of Creed.

However, not every belief, opinion, expression, practice or matter of conscience is a Creed under the Code. Further, practices/observances which are hateful, incite hatred or violence against other individuals/groups, or contravene criminal laws are not protected by the Code. Questions of whether a belief/practice would be protected under the Code should be directed to the Employee and Labour Relations & Respectful Workplace. Typical creed-based accommodations include time off/not scheduling meetings during creed-based days of significance, access to Sinai Health’s Spiritual Oasis (Mount Sinai Hospital) or Sacred Space (Bridgepoint Active Healthcare), and changes to schedules to accommodate Creed-based needs such as fasting periods.

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**Disability:** A disability includes:

- Any degree of physical disability that may be caused by bodily injury, birth defect or illness. Examples include diabetes, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, 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 assistive device
- A condition of mental impairment or a developmental disability
- A learning disability or limitation related to the understanding or use of language
- A mental disorder, including addictions

A disability may be temporary, sporadic, or permanent. Disabilities differ in severity, may be visible or non-visible and the symptoms of the disability may come and go. Examples may include the following:

- A person with arthritis has a disability that over time may increase in severity
- A person with clinical depression has a disability that is not visible
- A person with an alcohol addiction has a disability that may result in periods when the condition does not have an effect on work performance and other periods when it does

**Family Status:** The status of being in a parent-child relationship, including any relationship that is equivalent to the care, responsibilities and commitments of a parent to a child. “Parent” includes any person acting in the position of a parent to a child, including biological, adoptive, foster, step-parents, or legal guardians. An adult child who is responsible for the care of a parent (e.g., providing elder care) is also in a relationship that is included in the definition of family status. Family status accommodation may arise when workplace rules, changes or conditions adversely impact an employee/job applicant’s legal responsibility to care for a child/parent, which impacts the responsibilities that flow from the relationship in a non-trivial way. Typical family status accommodations include altering hours of work (often on a temporary basis), or offering flexible meeting/interview times.

**Functional Limitation:** A restriction that is engaged by the accommodation requester related to a Code ground which may require a job duty to be modified; e.g., no prolonged standing related to a disability accommodation; time off to care for an ill child/parent related to family status; a shift change to observe the Sabbath related to Creed; the provision of a gender inclusive washroom/change room related to gender identity/expression; reduced physical duties related to pregnancy.

**Gender Identity:** Each person’s internal and individual experiences of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender may be the same as or different from their birth-assigned sex.

**Gender Expression:** How a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronouns are also common ways of expressing gender. Policies, rules, practices and procedures that promote gender conformity or fail to consider a diversity of

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gender identities and expressions may be discriminatory. Typical gender identity or gender expression accommodations include using chosen pronouns and names (except where name records must match a person's legal name), jointly developing a plan for transitioning employees, exploring/providing gender inclusive washroom/change room access.

**Inclusion/Inclusive:** A term used to describe programs, policies, systems, facilities, services, etc. that are designed and administered to foster the full integration of diverse individuals and groups protected in the Code.

**Pregnancy and Chest/Breastfeeding (ground of sex):** Pregnancy includes the process from conception up to the period following childbirth. Special needs and circumstances that may be experienced as a result of pregnancy are also included with the Code definition of pregnancy. Special needs can relate to circumstances arising from:

- Miscarriage or stillbirth
- Abortion
- Conditions which result directly or indirectly from an abortion/miscarriage or stillbirth
- Fertility treatments/other interventions to get pregnant
- Medical complications resulting from pregnancy
- Recovery from childbirth
- Chest/breastfeeding
- Postpartum depression

Requests for pregnancy-related accommodation may arise because of the common physical changes that result from any pregnancy (e.g., a reduction in the ability to stand for lengthy periods), or may be linked to a less common circumstances (e.g., medical complications from pregnancy). Typical pregnancy related accommodations include flexible hours (to address morning sickness, chest/breastfeeding, pregnancy related complications/procedures), modified job duties, extra breaks, the provision of a chest/breastfeeding room, etc.

**Prohibited (Protected) Grounds:** Refers to personal attributes that are recognized as the basis of harassing and discriminatory actions under the Code. The list of grounds related to employment include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, gender identity, gender expression, age, record of offences, marital status (including same-sex partners), family status and disability.

#### **Purpose and Values:**

Our purpose is: We care, create possibilities and offer hope.

Our values are:

- Service: Ensure high-quality, safe and compassionate care
- Humanity: Show respect and empathy
- Inclusivity: Foster awareness and a sense of belonging
- Discovery: Create new knowledge and embrace learning

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**Undue Hardship:** Refers to a threshold that is met in attempting to accommodate those who have demonstrated that accommodation is required related to the grounds included/protected in the Code. Denying accommodation based on Undue Hardship generally involves proof of excessive interference with a business operation or a substantial risk to the health and safety of an employee, co-workers or others. What constitutes undue hardship varies based on the circumstances surrounding each individual case.

**REFERENCE**

This policy supersedes I-e-45-65; Accommodation Policy; last revised in September 2021.

**RELATED FORMS AND POLICIES**

[Guideline for Accommodating Creed](#)

[Guideline for Accommodating Disability](#)

[Guideline for Accommodating Family Status](#)

[Guideline for Accommodating Gender Expression and Gender Identity](#)

[Accommodating Pregnancy \(including chest/breastfeeding\)](#)