

**THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI**

BY-LAW NO. 15-1226

Being a by-law to adopt a Workplace Accommodation Policy for the Municipality of Temagami.

WHEREAS under Section 8. (1) (a) and (b) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

AND WHEREAS the Council of the Municipality of Temagami adopted a General Accessibility Policy and a Multi-Year Accessibility Plan by By-law 13-1163 on the 4th day of December 2013 to meet the requirements of Ontario Regulation 191/11, made under the Accessibility for Ontarians with Disabilities Act, 2005;

AND WHEREAS the Council of the Municipality of Temagami deems it desirable to adopt a Workplace Accommodation Policy in accordance with said Multi-Year Accessibility Plan;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

1. That the Municipality hereby adopts the **WORKPLACE ACCOMMODATION POLICY** attached hereto as Schedule "A" and forming part of this bylaw;
2. That the Chief Administrative Officer, in implementing this policy, is hereby authorized to make changes as needed to Section 3 - Procedure, provided such changes are in accordance with provincial accessibility legislation and with the intent of this policy.
3. That the Clerk of the Municipality of Temagami is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedules, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
4. That this bylaw shall come into force and take effect upon final passing thereof.

TAKEN AS READ A FIRST time on this 15th day of January 2015.

READ A SECOND AND THIRD time and finally passed this 15th day of January 2015.

Mayor

Clerk

Municipality of Temagami Workplace Accommodation Policy

1. PURPOSE AND SCOPE

The purpose of this policy is to implement the Municipality of Temagami's General Accessibility Policy as passed by By-law 13-1163 and to meet the commitment contained therein to meet the need for accommodation for municipal employees and prospective employees with disabilities. The purpose is also to ensure that accommodation in the workplace is accomplished in a manner that respects the employee's dignity and privacy.

The scope of this policy extends to all municipal employees, both in management and non-management positions, as well as to individuals applying for positions with the Municipality.

2. POLICY

It is the policy of the Municipality of Temagami to ensure that we remain free from discrimination of any type by responding to the individual needs for accommodation of either current or potential employees. The Municipality shall accommodate within the workplace employees with physical or mental disabilities who are capable of completing the Essential Duties and Responsibilities of the job. The Municipality shall not accommodate within the workplace, where providing an accommodation would create a health and safety risk or where the accommodation requirements will cause undue hardship to the Municipality.

3. PROCEDURE

3.1 General

In our workplace, employees with disabilities or special needs are entitled to the same opportunities and benefits as everyone else. In some circumstances, employees with disabilities or special needs may require unique arrangements or accommodations to enable them to fulfill their job duties.

The Municipality of Temagami shall attempt to identify and remove barriers for employees with disabilities or special needs. The removal of barriers may include, but not be limited to, one of the following methods:

- Increased flexibility in work hours or break times.
- Provision of accessible formats and communications supports for persons with vision or hearing impairments.
- Installing automatic entry doors and making washrooms accessible in the workplace or the common areas.
- Where appropriate, job restructuring, retraining or assignment to an alternative position.

Requests for accommodation shall be accepted to the point of undue hardship as determined on a case-by-case basis.

Initials:
____ Mayor
____ Clerk

3.2 Responsibility

The Chief Administrative Officer shall be responsible for overseeing all workplace accommodation. The Chief Administrative Officer may make changes to the procedure for implementing this policy, in accordance with provincial accessibility legislation.

Employees shall be responsible for telling their supervisor or the Human Resources Manager what their disability-related needs are as they relate to their job duties. Where requested, they may also be required to provide supporting information about their disability-related needs, including medical or other expert opinions where necessary.

Employees who are injured on the job must inform their supervisor immediately and follow the process for reporting workplace accidents.

It is expected that any employee with a disability affecting their job duties will fully participate in exploring possible solutions for accommodation.

3.3 Written Accommodation Plans

The Municipality of Temagami shall deal with accommodation requests as quickly as possible and hold in the strictest of confidence any information relating to the employee's disability. Any accommodations agreed upon must be documented by written individual accommodation plans. The Municipality shall cover the cost involved with providing workplace accommodation, including any necessary medical or other expert opinion or documentation required to implement or update the employee's individual accommodation plan. In preparing an individual accommodation plan the following steps shall be taken:

Step 1. Recognize the Need for Accommodation

The need for accommodation can be:

- requested by the employee through his/her supervisor or through human resources; or
- identified by the employee's manager or the Human Resources Manager.

Step 2. Gather Relevant Information and Assess Needs

The employee is an active participant in this step:

- The Municipality does not require details on the nature of the employee's disability to provide an accommodation; it needs to know only about the employee's functional abilities. If the employee chooses to provide details about the disability this information shall be treated as confidential HR information.
- The manager may ask for a functional capacity assessment at the company's expense.
- The employee and his/her manager evaluate potential options to find the most appropriate measure.
- An external expert may be involved, at the Municipality's expense.
- The employee can request the participation of a representative from his/her bargaining agent or, if there is no bargaining agent, from a different representative from the workplace.

Initials:
____ Mayor
____ Clerk

Step 3. Write a Formal, Individual Accommodation Plan

Once the most appropriate accommodation has been identified, the accommodation details are written down in a formal plan, including:

- accessible formats and communication supports;
- workplace emergency response information, if required;
- any other accommodation that is to be provided.

The accommodation plan is provided to the employee in a format that takes into account his/her accessibility needs due to his/her disability:

- The employee's personal information is protected at all times; a copy of the individual accommodation plan shall be kept in the employee's confidential HR file.
- If an individual accommodation is denied, the manager provides the employee with the reason for the denial, in an accessible format.

Step 4. Implement, Monitor, and Review the Accommodation Plan

The employee and his/her manager monitor the accommodation to ensure that it has effectively resolved the challenge:

- Formal reviews are conducted at a predetermined frequency that is documented in the written individual accommodation plan.
- The accommodation plan is reviewed if the employee's work location or position changes.
- The accommodation is reviewed if the nature of the employee's disability changes.

If the accommodation is no longer appropriate, the employee and the manager work together to gather relevant information and reassess the employee's needs in order for the employer to find the best accommodation measure (Step 2).

3.4 Return to Work Process

The return to work process for employees who have been absent from work due to a non-work related disability and were covered by the municipality's long-term or short-term disability coverage, shall be in accordance with the disability coverage provider's policy and procedure and requirements for medical documentation. If an individual accommodation plan is required to facilitate the return to work of these employees, one shall be implemented in accordance with section 3.3.

When other employees (i.e. not covered by our municipal benefit plan) are absent from work due to a non-work related disability due to illness or injury, their supervisor or the Human Resources Manager shall maintain regular contact with the employee, with the employee's consent, in order to monitor the employee's progress until he/she is fit for work. When the employee is ready to return to work, if the return needs to be phased in or if accommodations are required, a written individual accommodation plan shall be created for the individual and shall include a documented return to work plan.

For all employees, where the disability is anticipated to be for a limited period of time, the accommodation plan shall document the expected duration and provide for a review at the expiration of the anticipated time period. If the employee encounters challenges, the return to work plan shall be modified to overcome these challenges.

Initials:
____ Mayor
____ Clerk

3.5 Accommodation in the Recruitment Process

The Municipality shall make current and prospective employees aware of the availability of accommodation for applicants during the hiring or advancement process by:

- Notifying our employees and the public about the availability of accommodation for applicants with disabilities in our recruitment processes by including this information in internal and external postings and ads for employment opportunities.
- Notifying job applicants, when they are called for an interview, that accommodations are available upon request for the interview process.
- Consulting with a selected applicant who requests an accommodation, regarding a suitable accommodation, and providing an accommodation that takes into account the applicant's accessibility needs due to disability.
- Notifying the successful applicant of our policies for accommodating employees with disabilities, when making an offer of employment.

4. Enquiries

All enquiries about this policy can be directed to the Human Resources Manager.