

Policy Administration Console

Policy:	Workplace Accommodation Policy	
Policy Owner:	Director, Organizational Health, Wellness and Safety	
SLT Sponsor:	VP Human Resources & Organizational Development	
Approval By:	Senior Leadership Team	Date:
Effective Date:	Reviewed Date:	Revised Date:
2006-05-01	2013-11-29	2013-11-29

This policy applies to: LHSC

POLICY

London Health Sciences Centre (LHSC) has a legal obligation to cooperate in the early and safe return to work of an employee who has suffered a workplace injury as outlined in the Workplace Safety and Insurance Act (WSIA). LHSC also has a duty to provide appropriate [accommodation](#) to an employee with a [disability](#) in order to facilitate continued participation in the activity of work under the [Ontario Human Rights Code](#), and in accordance with the [Occupational Health and Safety Act](#).

LHSC is committed to supporting the health and well-being of its employees by facilitating continued participation in the activity of work through reasonable and appropriate accommodation, where required by law. This commitment applies to all levels of management and to all employees. Management and employees are required to actively participate in rehabilitation efforts, return to work plans and the accommodation process, where applicable, by:

- Maintaining communication with each other;
- Working towards identifying [suitable](#) and [available work](#) for returning employee(s); or
- Fulfilling internal and external reporting obligations, as legislated.

This policy applies to all employees who are disabled as a result of occupational or non-occupational injuries or illnesses and cannot meet the normal expectations of their pre-injury or pre-illness job. It is a priority to return the employee to maximum function and to his/her own job, to modified work on a temporary basis, or to placement in available work where the employee's restrictions preclude his/her return to his/her pre-accident or pre-illness job.

PROCEDURE

A team approach is used to manage the return-to-work process whether temporary modified work or permanent accommodation is required. Timely and effective interventions to identify and implement successful accommodation will be initiated with the focus on ability of the employee.

The return to work process will be coordinated and planned in consultation with the employee, the Occupational Health and Safety Services (OHSS) Team and other OHSS resources where applicable, treating Physician(s) / Specialists and/or other healthcare providers, Management, Human Resources, and a Union Representative. Such interventions may include:

- Prompt communications among all parties regarding the need for accommodation;
- Prompt reporting of accommodation needs to Occupational Health and Safety Services;
- Securing and assessing relevant medical information (in accordance with the [Personal Health Information Protection Act](#));
- Matching the employee's functional abilities to essential job duties;
- The provision of, or support for, treatment or interventions directed at remediating the condition of disability;
- Assessing and implementing, where appropriate, adaptations to the work environment or modifications to job tasks or expectations in a timely manner;
- Developing and implementing individual accommodation/return-to-work plans; or
- Maintaining ongoing communication with all parties during the accommodation process and prompt reporting of outcomes to all relevant parties.

Accommodation is first sought within the employee's own job, department and bargaining unit. Where options within the bargaining unit have been exhausted, accommodation will be sought in other bargaining units or non-union positions. Before a job vacancy is posted, a determination will be made whether there is an employee requiring accommodation for which the vacancy would be a suitable match.

The following principles should guide accommodation:

- The needs of persons with disabilities must be accommodated in the manner that most respects their dignity, to the point of undue hardship for the employer;
- There is no set formula for accommodation; or
- Taking responsibility and showing willingness to explore solutions is a key part of treating people with respect and dignity

The following considerations will be carefully reviewed by the relevant parties in identifying appropriate and available work for a returning employee:

- The physical demands of the job;
- The functional abilities of the employee; or
- The qualifications and minimum experience required by the job and demonstrated by the employee

If the employee and the position are an appropriate match, the employee will be placed in the position without a job posting.

ROLES AND RESPONSIBILITIES

Employee

The employee's cooperation and participation in any return-to-work initiative or other accommodation activity is key to successful accommodation. The employee is responsible to:

- Promptly advise the employer of any disability issue that impacts his/her ability to be at work or to meet the regular requirements of his/her job;
- Access timely medical treatment and rehabilitation services;
- Ensure that the employer is provided with complete and timely information regarding any work-related restrictions;
- Clearly communicate all needs and cooperate fully in all aspects of the accommodation process;
- Work within the parameters of any accommodation initiative; and
- When applicable, discuss accommodation initiatives with union representatives.

Management

LHSC and its management are required to provide appropriate accommodation for an employee with a disability wherever possible in order to facilitate continued participation in the activity of work, provided that in doing so it does not create undue hardship for the employer. It is the organization's legislated responsibility and as such, is shared by all management. Our goal is to:

- Return the employee to his or her own job, if possible;
- Keep a confidential record of the details of the accommodation request and the action taken;
- Consider requests for accommodation in a timely manner;
- Bear the costs of medical information or documentation required by the Hospital;
- Work with the Emergency Planning Specialist to create an individual emergency plan if required due their restrictions, and
- Create an environment that allows for open and regular feedback from the employee.

Management is responsible to implement, support, monitor and manage the accommodation/return-to-work plan with assistance from OHSS. Management should speak with a Human Resources Consultant when addressing the need to educate the returning employee's co-workers regarding the accommodation/return-to-work plan and to enlist their support for the returning employee. Management may contact a Professional Practice Leader or an Organizational Development Consultant when the need arises to develop a learning plan or discuss learning strategies.

If the employee is unable to return to his/her own position or cannot be reasonably accommodated with modified

work, tasks or environmental adaptations, management will determine if other [suitable work](#) is available within the Unit or Department.

Should the employee's permanent restrictions prevent him/her from performing the [essential duties](#) of his/her pre-injury or pre-illness position, the search for an appropriate accommodation will proceed in the following order with the appropriate level of management taking responsibility:

- Unit (Coordinator);
- Department (Manager);
- Program (Director);
- Service (Vice-President); and
- Bargaining Unit.

Failure to identify work within the Vice President's portfolio will result in expanding the search to the entire organization. Human Resources in conjunction with the Vice President will facilitate this search.

Occupational Health & Safety Services

The Occupational Health & Safety Services Rehabilitation Team includes the Rehabilitation Nurse, the WSIB Specialist, the Occupational Health Physician, the Ergonomist, and the Physiotherapist.

A member of the OHSS Rehabilitation Team is designated to case manage non occupational and WSIB cases. They will maintain contact with employees who are absent due to occupational or non-occupational illness or injury. They will serve as liaison between the employee, internal and external treatment providers, management, Human Resources, and the Workplace Safety and Insurance Board (WSIB) or insurance company as appropriate, to identify and assess any accommodation needs and to facilitate a return to work.

OHSS will create an individual accommodation/return to work plan using the rehabilitation memo format and will CC emergency planning department if the restrictions require any accommodations for emergency situations such as alarms and evacuation.

[Physical demands analyses](#) (PDAs) and [functional abilities evaluations](#) (FAEs) are available through OHSS to identify the essential duties of a job and to assess the employee's ability to perform those duties, with or without accommodation. These processes provide objective information to assist in the job match process.

Human Resources

Human Resources will work with OHSS, Unions and Management to facilitate an appropriate accommodation/return-to-work plan, proactively assist management to identify suitable positions within their areas of responsibility and facilitate, in conjunction with the Vice President, an organization-wide search where no appropriate accommodation is available within the employee's VP Service.

Unions

Unions will take an active role as partners in the accommodation process and share joint responsibility with OHSS, Human Resources and Management to promote accommodation measures, regardless of the collective agreement, unless to do so would create undue hardship.

Workplace

Successful accommodation requires the support and commitment of everyone in the workplace. The assistance and support of co-workers and peers contribute to the successful implementation of these efforts. All members of the workplace have an obligation to support the right to accommodation. Other employees may be required to assume some additional responsibilities in connection with accommodation activity.

DEFINITIONS

Accommodation in the Workplace: includes modifications to the job, job expectations, the job site, or the way that a job is performed to facilitate the employee's ability to actively participate in the workplace. It also may include finding another job for the employee.

Accommodation: can also include maintaining the employment relationship during periods of extended absence when the employee is totally incapacitated from performing any meaningful work in the facility.

Available Work is work that: Exists with the employer at the pre-injury or illness worksite, or at a comparable worksite arranged by the employer.

Disability: (As defined in the Human Rights Code)

Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, 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 on a wheelchair or other remedial appliance or device;

A condition of mental retardation or impairment;

A learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;

A mental disorder; or

An injury or disability for which benefits were claimed or received under the insurance plan established under the [Workplace Safety and Insurance Act, 1997](#).

"Disability" should be interpreted in broad terms. It includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability. Although sections 10 (a) to (e) set out various types of conditions, it is clear that they are merely illustrative and not exhaustive. Protection for persons with disabilities under this subsection explicitly includes mental illness, developmental disabilities and learning disabilities."

Essential Duties: Essential duties or requirements are those that are core duties or requirements of a position.

Functional Abilities Evaluation (FAE): is a comprehensive assessment of an individual's ability to perform various specific physical or cognitive tasks, an overall assessment of the employee's capability to perform, relative to his/her pre-injury or illness job or other available work.

Modified Work Program: a short-term individualized work assignment, consistent with the employee's current functional abilities. These programs are usually no more than 8 to 12 weeks in duration and have been designed with the intended objective of returning the employee to his/her own job.

Physical Demands Analysis (PDA): a qualitative document describing the physical, cognitive, psychosocial and environmental demands of the job.

Suitable Work is work that:

- Is within the worker's functional abilities;
- The worker has, or is able to acquire, the necessary skills to perform; and
- Does not pose a health or safety risk to the worker or co-workers.

REFERENCES

[Ontario Human Rights Code](#)

[Canadian Human Rights Act](#)

[Workplace Safety and Insurance Act](#)

[Attendance Enhancement Program – LHSC](#)

[Occupational Health and Safety Act](#)

[Personal Health Information Protection Act](#)

[Harassment and Discrimination Policy](#)

Please refer to the On-line Corporate Policy Manual for the most up to date version of this policy. LHSC cannot guarantee that hard copy versions of policies are up-to-date.