

Approving University Official(s): Human Resources

Responsible Office: Human Resources

Effective date: May 24, 2022

Last review date: N/A

Next review date: 1 year

[HR- Workplace Accommodation Policy]

Purpose

This Workplace Accommodation Policy (“Policy”) is intended to provide the necessary framework and guidance to ensure the following:

- that all employees are aware of their rights and responsibilities under the applicable accessibility and human rights legislation with respect to accommodation and this Policy
- that employees are aware of the Policy and procedures by which they can make requests for accommodation to supervisory/management personnel
- the provision of guidance to supervisory/management personnel on how to appropriately respond to and document requests for accommodation
- the development and provision of training, education, resources and tools to raise awareness and ensure that employees develop the requisite skills and capacity to understand their responsibilities under this policy
- the fostering of relationships of open communication between employees and supervisory/management personnel in order to have respectful and transparent dialogue on accommodation
- the promotion of a respectful, discrimination and harassment-free workplace and learning environment, and providing workplace accommodations pursuant to the applicable accessibility and provincial human rights legislation, and Yorkville’s policies such as the Discrimination and Harassment Policy and Procedures, the Diversity, Equity and Inclusion Policy and the Gender Inclusion Policy

Audience

This Policy applies to all academic and academic support activities and departments of the University and business and corporate activities of Yorkville University and Toronto Film School which operate under Yorkville Education Company (“Yorkville”) as they relate to employees. It applies to all employees. It applies to all Yorkville locations, including both real and online environments.

For any concerns regarding discrimination or harassment, employees should refer to the respective Discrimination and Harassment Policy and Procedures that applies to them.

For further accommodations specifically related to gender identity, gender expression and employees that may be transitioning genders, employees should refer to the Gender Inclusion Policy and Procedures.

Definitions

Note: Always refer to the applicable provincial human rights legislation for nuances related to the definition of terms (e.g. disability, creed/religion, family status, undue hardship, etc.)

Accessibility	Refers to the design of products, devices, services, or environments, and barrier-removal for people with disabilities.
Accommodation	Temporary or permanent measure used to address a barrier which prevents an otherwise qualified individual from performing or fulfilling the essential duties of a job. Examples of accommodation include: providing specialized tools and equipment, modification of a work station, providing technical aids and devices, alternative work schedule, etc.
Barrier	Physical, attitudinal, procedural, technological, information and communicational impediments to full access and participation. Barriers may be systemic or individual in nature. Systemic barriers can be described as patterns of behaviour, policies or practices that are part of the structure of an organization, and which create a perpetual disadvantage. Individual barriers can be described as impediments that are not system-wide/related to the system.

Bona Fide Occupational Requirement

A job requirement may be found to be non-discriminatory if an employer can show that the requirement, standard, factor or rule is “bona fide” or genuine if it was:

- adopted for a purpose or goal that is rationally connected to performing the job
- adopted in good faith, in the belief that it is necessary to fulfill a legitimate work-related purpose
- reasonably necessary to accomplish the work-related purpose in the sense that the employer cannot accommodate the employee without incurring undue hardship

Some requirements that will not be considered to be reasonable or bona fide include requirements that:

- relate to incidental duties instead of essential parts of the job
- are based on co-worker preferences and exclude persons because of prohibited human rights grounds
- rely on stereotypical assumptions linked to prohibited human rights grounds, such as disability, race or sex, to assess an individual's ability to perform the job duties
- state that the job must be performed only in a certain way even though reasonable alternatives may exist

Creed/religion

A comprehensive and overarching system of beliefs that govern one’s conduct and practices. It also relates to having a sincerely, freely and deeply held belief system, and includes Indigenous spirituality. This may include affiliation/connection to a organization or community that professes a shared system of belief. Creed is integrally linked to a person’s self-definition and spiritual fulfilment, and 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.

Disability	Any degree of physical, developmental, mental or learning impairment or functional limitation including: deafness/hard of hearing; speech/language; intellectual/developmental; learning delays; mental health; physical/mobility; vision loss; other (disfigurement, illness, amputation etc.). A disability may have been present at birth, caused by an accident, or developed over time. Disability includes conditions that are visible and invisible, permanent, temporary, and/or episodic.
Equality	Providing each individual with the same or similar opportunities and ensuring fairness in processes and outcomes so that each individual has an equal opportunity to make the most of their abilities.
Equity	Acknowledging that equal access to opportunities and services may require treating particular individuals and groups differently through the removal of barriers that marginalized equity-seeking communities experience in trying to obtain this access.
Family Status	Refers to being in a parent and child/parent and child “type” of relationship, that may or may not be based on blood or adoption ties, but that is based on care, responsibility and commitment. Examples include parents caring for children (also by adoption, fostering and step parenting), people caring for aging parents or relatives with disabilities, and includes families headed by LGBTQI2SA+ (Lesbian, Gay, Bisexual, Transgender, Queer (or Questioning), Intersex, Two-Spirit (2S), Asexual) persons.
Functional Abilities	The collection of activities and tasks the employee is capable of performing at work. Functional abilities/limitations assessments are used to identify accommodation needs for employees with disabilities and for employees returning to work after an illness or injury.
Gender Identity	Each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation.
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.

Healthcare Professional	A primary physician or surgeon, physiotherapist, psychologist or other member of the college of a health profession that is overseeing the employee's recovery, as defined/regulated by the Ontario Regulated Health Professions Act, British Columbia Health Professions Act, or New Brunswick's applicable private health legislation which regulates health professions.
Inclusion	Ensuring that individuals feel welcomed in the academic and workplace environments, and that they can bring their authentic selves to the educational and work spheres.
Individual Accommodation Plan (IAP)	The formalization and documentation of the reasonable accommodation that is arranged between the supervisory/management personnel and the employee. The plan ensures that the parties clearly understand their roles and responsibilities and facilitates accountability and regular monitoring.
Interim Accommodation	In some cases, it may be necessary to provide interim accommodation while waiting for an accommodation to be put in place or while assessing and exploring a request for accommodation, (e.g. a manager may exempt an employee from some essential duties or arrange to have those duties performed by someone else on a temporary basis).
Sex	Refers to a person's genetic or anatomical sex. For the purposes of accommodation sex also includes pregnancy and breastfeeding.
Transgender/Trans	Is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes but is not limited to people who identify as transgender, trans woman, trans man, transsexual, cross-dresser, gender non-conforming, gender variant, gender-fluid, or gender queer.
Transitioning	Refers to the process an individual takes to change their birth-assigned gender to the gender with which they most identify. The process can involve some or all of the following changes: dress, appearance, grooming, name/gender pronouns, medical, legal, social and/or personal. An individual does not have to formally transition in this way in

order to be transgender, and intrusive inquiries into this aspect of the person's life should be avoided.

Undue Hardship

Yorkville attempts to reasonably accommodate employment needs up to the point of undue hardship. Human rights legislation generally prescribes three considerations in assessing whether an accommodation could cause undue hardship; cost, outside sources of funding, and health and safety considerations.

*The President may direct that definitions be amended from time to time to ensure consistency with public policy and community expectations and standards.

Policy Statement

Yorkville is committed to providing an accessible working and learning environment that is inclusive of all persons and supports all members of the Yorkville community in an equitable manner.

In accordance with the Accessibility for Ontarians with Disabilities Act ("AODA") and applicable provincial human rights legislation, Yorkville will support and facilitate the reasonable accommodation of employees on the basis of needs related to prohibited human rights grounds (e.g. disability, sex (includes pregnancy and breastfeeding), family status, creed/religion, age, gender identity, gender expression, etc.).

Accommodation related to employment, career development, promotions, transfers, conditions of work (hours of work, leaves of absence, etc.) and redeployment, shall be provided in a manner consistent with the core principles of independence, dignity, individualization, inclusion, integration, and equality of opportunity.

Yorkville will work cooperatively, and in a spirit of respect, with all partners in the accommodation process. All workplace parties have a shared responsibility to engage in meaningful dialogue with respect to all forms of accommodation and to work together respectfully towards accommodation solutions.

Related Information

Workplace Accommodation Procedures
Diversity, Equity, and Inclusion Policy
Gender Inclusion Policy and Procedures
Workplace Discrimination and Harassment Policy and Procedures
Policy and Procedures on the Prevention of Sexual Violence
Accessibility Policies

Contacts

The following [individual(s)/office(s)] can address questions regarding this Policy:

Human Resources Department
Email: hr@yorkvilleu.ca

Revision Log

This is a new policy.

Policy URL:

<https://www.yorkvilleu.ca/wp-content/uploads/2022/06/Workplace-Accommodation-Policy.pdf>