

Complete Policy Title:

**Policy on Workplace Accommodation**

Policy Number (if applicable):

Approved by:

**Senate**

**Board of Governors**

Date of Most Recent Approval:

**June 3, 2015**

**June 4, 2015**

Date of Original Approval(s):

**May 11, 1998**

Supersedes/Amends Policy dated:

**Policy and Procedures on Employment  
Accommodation (May 11, 1998)**

Responsible Executive:

**Vice-President (Administration)**

**Provost and Vice-President (Academic)**

Enquiries:

[University Secretariat](#)

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## Introduction

1. It is McMaster University's goal to build an inclusive community with a shared purpose, where all members of the University community are treated in a fair and equitable manner. In pursuit of this goal, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons. The McMaster University Policy on Workplace Accommodation (this "Policy") is intended to further these objectives.
2. The University recognizes the diversity of its employees and is committed to creating a work environment in which employees are able to fully participate in employment without discrimination on the basis of grounds prohibited by the Ontario *Human Rights Code* (hereinafter referred to as "the Code"). The University also acknowledges its responsibilities to remove barriers to accessibility under the *Accessibility for Ontarians with Disabilities Act* and its related regulations and standards.
3. The Code places a legal obligation on employers to accommodate employees and job applicants in a manner that is equitable and respects their dignity, in order that they may compete for jobs, perform their work and fully participate in employment. The Code states that "[e]very person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability."
4. The University is obligated to make every reasonable effort, short of undue hardship, to take substantive and meaningful measures to promote inclusiveness and equal participation in employment of all qualified persons. Such measures may include introducing new or modifying existing facilities, policies, procedures, and practices.
5. The University affirms that all employees and prospective employees are expected to satisfy the essential job duties of their employment, while recognizing that some may require reasonable accommodation to enable them to do so. The University is also committed to protecting employees' privacy, autonomy and the confidentiality of their personal information, to the extent it is required to and can reasonably do so.

## Purpose

6. The purpose of this Policy is to establish the University's commitment to providing workplace accommodation to employees who may require it based on a ground protected by the Code. This Policy outlines the legal rights and obligations of the University, its employees and job applicants, and provides guidance to the University community at large concerning the provision of workplace accommodation.
7. The University has developed the McMaster University Guide and Procedures on Workplace Accommodation (the "Accommodation Guide") that provides information with respect to the application of this Policy. The Accommodation Guide may be updated as required by the Assistant Vice-President, Human Resources (AVP HR) under approval of the Vice-President (Administration), and in consultation with the Office of Human Rights & Equity Services.
8. In the event of a conflict between or among the provisions of: i) the Code; ii) a collective agreement or association agreement at the University; iii) this Policy; and iv) the Accommodation Guide; the order of prevalence, to the extent of the conflict, shall be as listed in this paragraph.

## Scope

9. This Policy and the Accommodation Guide apply to:
  - All McMaster University employees, including faculty, staff, supervisors, managers, temporary and casual employees of the University, and
  - Job applicants to the University who may require employment accommodation through the recruitment, assessment, selection, and hiring processes.

## Principles

10. In order to meet the requirements of employees and job applicants, the principles of approach in this Policy are:
  - Dignity – maintaining the dignity of the employee or job applicant who requires workplace accommodation and respecting the confidentiality of his or her personal information;
  - Inclusiveness – emphasizing barrier-free design and equal participation of all qualified persons;
  - Individualization - designing accommodation to meet the current, specific circumstances of each employee or job applicant;
  - Partnership – collaboration among the person requiring the accommodation, the officers and agents of the University, unions where applicable, and other units within the University, where appropriate, to facilitate employment accommodation;
  - Consultation – collaborating with stakeholders in the affected workplace, as necessary, which may include third party expertise toward the development of an accommodation plan;
  - Timeliness - all parties shall endeavour to ensure that their respective obligations under this Policy are met in a timely manner; and
  - Employment Equity –ensuring that the workplace is open, fair, and accessible to all.

## Accountability

11. The University is responsible for ensuring that current University policies, rules, practices and procedures are reviewed to identify and eliminate barriers to employment on the basis of prohibited grounds of discrimination.
12. Employees or job applicants have a responsibility to:
  - communicate at the earliest possible opportunity and in sufficient detail their needs for accommodation;
  - provide appropriate documentation as necessary;

- cooperate with, and participate fully in, identifying and implementing a workplace accommodation arrangement, as appropriate.
13. All individuals having the authority to make or influence decisions relating to the employment, or potential employment, of a person have the responsibility to accommodate that person, as necessary, to the point of undue hardship, considering the bona fide occupational requirements of that person's position at the University, and in accordance with this Policy and the Accommodation Guide.
  14. Unions and the McMaster University Faculty Association have the responsibility to make every reasonable effort to facilitate the accommodation of employees and job applicants.
  15. This Policy shall be made available to all members of the University community.

#### **Related Procedures or Documents**

16. Many existing statutes, University policies and practices or collective agreement provisions already provide a means of achieving workplace accommodation. Examples of policies and legislation that guide the University's accommodation practices include:
  - *Ontario Human Rights Code*
  - *Workplace Safety Insurance Act of Ontario, 1997*
  - *Occupational Health and Safety Act of Ontario R.S.O. 1990*
  - *Accessibility for Ontarians with Disabilities Act, 2005*
  - *Personal Health Information Protection Act (PHIPA)*
  - *Freedom of Information and Protection of Privacy Act (FIPPA)*
  - *Personal Information Protection & Electronic Documents Act (PIPEDA)*
  - The University Return to Work Program (RMM #1002)
  - McMaster University's Policy on Discrimination, Harassment & Sexual Harassment: Prevention & Response
  - McMaster University's Employment Equity Statement
  - McMaster Statement on Building an Inclusive Community with a Shared Purpose
  - McMaster Policy on Accessibility