



An EnAbling Change Partnership
project with the Government of Ontario

Toolkit **December 2012**



Employers' Toolkit: Making Ontario Workplaces Accessible to People With Disabilities



Employers' Toolkit: Making Ontario Workplaces Accessible to People With Disabilities
by *Louise Chénier* and *Jane Vellone*

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FOREWORD

The Conference Board of Canada and the Government of Ontario are pleased to jointly launch the *Employers' Toolkit: Making Ontario Workplaces Accessible to People With Disabilities*.

Ontarians enjoy a quality of life that is recognized internationally. To ensure we continue to do so, we must enhance our competitive edge in the global marketplace on many fronts. Creating a province in which every person who lives or visits can participate fully makes good sense—for our people, our businesses, and our communities. This new guide encourages employers to access a vast but underutilized Canadian talent pool: people with disabilities.

The *Employers' Toolkit* was developed to assist Ontario employers in meeting the Employment Standard requirements of the *Accessibility for Ontarians with Disabilities Act*. It contains practical advice on everything from sourcing talent through recruitment and selection, accommodations, return to work, and retention. In addition, the *Toolkit* features profiles of Ontario businesses and organizations that have already started the journey to becoming more accessible and inclusive to people with disabilities.

Implementing sustainable change in this area will directly benefit communities and businesses and ultimately enhance the prosperity of all Ontarians. Without the people with the skills needed to get the work done, Ontario businesses cannot achieve their potential.

As the population ages and labour force growth slows, shortages in specific industries and occupations will become more acute, affecting the quality of life of all Canadians. It is clear, therefore, that our continuing prosperity depends on our ability to value, build, access, and utilize the strengths of all our citizens—including people with disabilities.

This Toolkit was developed through the Accessibility Directorate of Ontario's EnAbling Change program, in partnership with The Conference Board of Canada. On behalf of both, we offer our sincere hope that you will find it a useful tool for meeting the requirements of the Employment Standard and, more generally, for promoting diversity in your workplace. Together, we are creating new opportunities for all Ontario residents.

Sincerely,



Ellen Waxman
Assistant Deputy Minister
Accessibility Directorate of Ontario



Ian Cullwick
Vice-President
The Conference Board of Canada

CHAPTER 1

Introduction

In 2005, the Ontario government passed the *Accessibility for Ontarians with Disabilities Act*, or the AODA. The goal of the Act is “to make Ontario accessible to people with disabilities by 2025.”¹

The AODA recognizes that people with disabilities are a vibrant, important, and growing part of the Ontario population. By removing the barriers to participation that exist in Ontario, the AODA seeks to maximize both the inclusivity of our society and the value that people with disabilities contribute to our economy.

Accessibility standards under the AODA will affect an estimated 360,000 organizations in the province, including government, the broader public sector, and private and non-profit organizations. The standards address five key areas: customer service, information and communications, employment, transportation, and the design of public spaces.

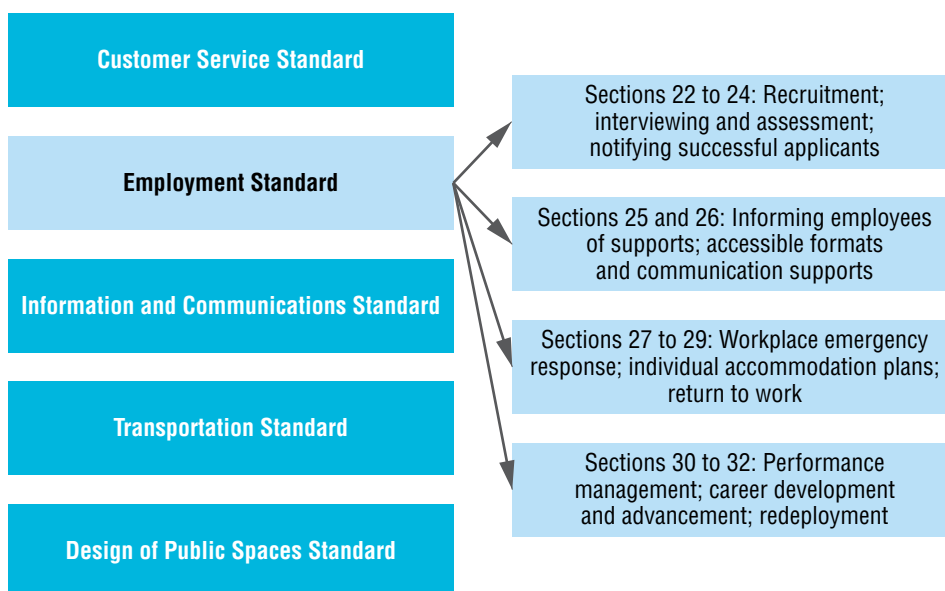
In 2008, the Accessibility Standard for Customer Service was the first standard to become law. This standard sets out the requirements that organizations must meet to ensure accessible customer service for people with disabilities.

The Integrated Accessibility Standards Regulation (Ontario Regulation 191/11) became law in 2011. This regulation includes accessibility standards for information and communications, employment, and transportation. Each of these standards has its own individual requirements, but all three share common requirements such as developing policies, and training employees. This regulation has phased-in compliance timelines to give organizations time to work accessibility into their long-term business plans.

This toolkit was created to help Ontario employers understand and implement the Accessibility Standard for Employment (also referred to as the “Employment Standard” in this document). See [Exhibit 1](#) for an overview of the various standards related to the AODA.

In 2011, The Conference Board of Canada partnered with the Ontario government’s EnAbling Change Program to develop resources to help employers meet the AODA Employment Standard. As a first step, we engaged in a series of research projects—including a literature review, a survey of Ontarians with disabilities, and in-depth interviews with key informants and best practice employers. Using the knowledge gathered from these initiatives, we have created a toolkit that includes practical advice that will help employers tap into this vital talent pool and incorporate accessibility into their workspaces and processes to benefit from a diverse and inclusive work environment.

¹ Government of Ontario, *Making Ontario Accessible*.

Exhibit 1Standards Under the *Accessibility for Ontarians with Disabilities Act*

Note: This exhibit details only the sections related to the Employment Standard.
Source: The Conference Board of Canada.

PURPOSE OF THE TOOLKIT

This toolkit provides practical advice to employers of all sizes about the implementation of the Employment Standard. It includes resources such as checklists, tips and techniques, links to other resources, case studies (business profiles), and tips for small businesses to help employers implement accessible employment strategies and practices.

The compliance dates for the Employment Standard are staggered, depending on the size of the organization and the sector in which it operates. See [Table 1](#) for the compliance dates, by type of organization, for the various requirements of the Employment Standard.

HOW TO USE THE TOOLKIT

This toolkit is organized around the stages of employment. After exploring the context for the Employment Standard in Chapter 2, it starts with advertising and application

considerations for candidates with disabilities. It then moves on to the hiring process and, finally, career development and advancement considerations. Each section contains information about the specific related requirements, as well as tips, advice, checklists, and sample templates to help employers review and revise organizational policies and procedures.

There are two sections of the toolkit that outline processes that large employers (with 50 or more employees) need to be aware of for employees with disabilities: the process to develop individual accommodation plans, and the return to work process. Small organizations (with fewer than 50 employees) are not required to document individual accommodation plans or return to work processes; however, they are still required to accommodate employees with disabilities.

Additionally, [Appendix A](#) contains a collection of sample documents and forms that employers can review and use to craft their own employment strategies and practices.

Table 1
Deadlines for Compliance With Ontario's Employment Standard

Section of Employment Standard	Type of organization				
	Government of Ontario and the Legislative Assembly	Designated public sector organizations with 50 or more employees	Designated public sector organizations with 1 to 49 employees	Private and non-profit organizations with 50 or more employees	Private and non-profit organizations with 1 to 49 employees
Workplace emergency response information (s. 27)	January 1, 2012	January 1, 2012	January 1, 2012	January 1, 2012	January 1, 2012
Recruitment (ss. 22, 23, 24)	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017
Employee accommodation (ss. 25, 26)	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017
Individual accommodation plan (s. 28)	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	n.a.
Employees returning to work (s. 29)	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	n.a.
Performance management, career development, and redeployment (ss. 30, 31, 32)	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2016	January 1, 2017

n.a. = not applicable

Source: O. Reg. 191/11.

While available as a print document, this toolkit works best in an *online format*, as chapters, sections, tools and templates, and other resources are hyperlinked. Standard elements have been used throughout the chapters to help users navigate the toolkit and to make it easier to find specific material and resources quickly. These elements include:

- ◆ **Requirement text boxes**—These special text boxes introduce each of the individual sections of the Employment Standard requirements that relate to different aspects of employment. The upper portion identifies the section and defines the specific requirement in the original language of the law. The lower portion of the box, called “Meeting the Requirement,” gives a brief description of how organizations could meet the requirement listed.
- ◆ **Tips and good practices**—These sections feature best practices that go beyond the requirements of

the Employment Standard. The implementation of these best practices is not a requirement, but they are suggestions to promote inclusive practices at all stages of employment.

- ◆ **Business profiles**—Each chapter includes a small and a large business case study so employers can see how organizations have successfully implemented accessible strategies and policies.
- ◆ **Tips for small businesses**—Each chapter has a text box that lays out the Employment Standard information in a context that is relevant to the needs of small business owners and operators.
- ◆ **Tools and templates**—In addition to practical tips that businesses can use to help them meet the standards, there are a number of tools and templates in [Appendix A](#) that employers can repurpose for their own organization.

CHAPTER 2

A Focus on Accessibility: Creating an Inclusive Workplace for Employees With Disabilities

For many people, the concept of accessibility is about making it possible for people with disabilities to participate fully in everyday life. In fact, it means so much more than that. Accessible business and employment practices benefit Ontario businesses and the economy.

A strong business case exists for creating accessible and inclusive work environments for employees with disabilities. The full inclusion of people with disabilities in all aspects of community life and the workplace opens the door to their full participation in the economy as customers, entrepreneurs, and employees. This chapter outlines the importance of accessibility to Ontario employers. It also examines how employers can create accessible and inclusive work environments for employees with disabilities.

A STATISTICAL PORTRAIT

In 2006, approximately 15.5 per cent of Ontarians had a disability.¹ This proportion is expected to rise significantly over the next two decades as the population ages.

However, people with disabilities are often under-represented in the workplace. In Ontario, 39.1 per cent of people between 16 and 64 years of age with disabilities were either unemployed or not in the labour

force in 2009, which was almost three times the rate for Ontarians without disabilities (14.1 per cent).² In 2006, the employment rate for Ontarians with disabilities (51.8 per cent) was significantly lower than the rate for people without disabilities (75.4 per cent).³

This under-representation and underemployment of people with disabilities in Ontario's workforce is a serious challenge to the future prosperity of the province and of Ontario businesses because as the population ages, the talent market shrinks, and skills shortages emerge.⁴ Employers must create work environments that are more accessible and inclusive to tap into this underutilized talent pool.

WHAT IS AN INCLUSIVE WORK ENVIRONMENT FOR EMPLOYEES WITH DISABILITIES?

An inclusive work environment is one where everyone is treated with respect and all employees are valued for their contributions. In an inclusive workplace, colleagues and clients are treated with dignity, respect, and equality, and these values are reflected in the organization's mission and vision. Policies and procedures are implemented and managed so that employees' rights are preserved.

1 Statistics Canada, *Participation and Activity Limitation Survey*.

2 Ontario Ministry of Training, Colleges and Universities, *Canada—Ontario Labour Market Agreement*.

3 Statistics Canada, "Chart 6. Employment Rates for People With and Without Disabilities."

4 Watt and others, *Ontario's Looming Labour Shortage*, 5–11.

Senior management fully supports these policies and they are communicated to employees at all levels of the organization.⁵ In an inclusive workplace, all employees are encouraged, and given the tools and supports needed, to develop and advance in their careers. When employees with disabilities face barriers to their career advancement, the organization takes specific actions to remove these barriers.

As one employee with multiple disabilities explained, an inclusive work environment is one where she feels not only supported, but valued by her employer:

[My manager] ... has an open door policy. She shows complete understanding and complete support of any health issues or ability issues that the staff may have and I will use myself as a prime example. I have a lot of health issues that would probably dissuade many other employers from hiring me in the first place. She had absolutely no compunction in bringing me in on staff and has since promoted me to my present position.

By creating an inclusive workplace for her employees with disabilities and making sure that any challenges they encounter in the work environment are addressed, this employer—who is a small business owner in the retail industry—has ensured the engagement, commitment, and retention of a valued staff member. This is particularly important in the retail industry, which experiences high employee turnover.

THE BUSINESS CASE FOR CREATING AN INCLUSIVE WORKPLACE FOR EMPLOYEES WITH DISABILITIES

There are many business reasons for creating an inclusive work environment for employees with disabilities. More employers are creating and promoting an inclusive workplace to:

- ♦ respond to impending talent and skills shortages by taking advantage of a relatively untapped pool of talent;

- ♦ reflect the markets they serve;
- ♦ benefit the community.⁶

RESPONDING TO IMPENDING TALENT AND SKILLS SHORTAGES

Large labour shortages are looming in Ontario. A recent Conference Board research report indicated that vacancies in Ontario could reach 190,000 in 2020, and rise to 364,000 by 2025 and to 564,000 by 2030.⁷ Although a sharp decline in manufacturing and natural resources jobs during the recent recession has delayed the inevitable, pending retirements of baby boomers and fewer young workforce entrants, combined with a recovering economy, will lead to labour shortages.⁸

Where will organizations find the employees they need in the future? Employers will need to look for new sources of talent and be more inclusive in their hiring practices. One largely untapped source of talent is people with disabilities.⁹ Employers who create accessible and inclusive work environments for individuals with disabilities are able to attract a wider pool of talent. After all, candidates with disabilities are less likely to apply for employment in organizations that do not visibly demonstrate their commitment to inclusion.¹⁰ Furthermore, when an employee feels valued and respected, he is much more likely to work harder and to remain with his employer.

This is especially relevant since, when matched with suitable employment, people with disabilities are as, or more, productive than employees without disabilities.¹¹ Furthermore, more diverse work teams create a wider range of solutions to business issues and are more innovative.¹²

5 Equality and Human Rights Commission, *An Employer's Guide*, 2–3.

6 Deloitte, *The Road to Inclusion*, 3.

7 Watt and others, *Ontario's Looming Labour Shortage*, 10.

8 Antunes and Macdonald, "Recession Only Delayed the Inevitable," 42–46.

9 Deloitte, *The Road to Inclusion*, 3.

10 Equality and Human Rights Commission, *An Employer's Guide*, 4.

11 McCallum and Holt, "Outlook for People with Disabilities," 4.

12 Equality and Human Rights Commission, *An Employer's Guide*, 4.

REFLECTING THE MARKETS THEY SERVE

The Ontario marketplace is becoming more diverse, and organizations should reflect the customers they serve to better understand them and fill their needs. It has been estimated that the income controlled by people with disabilities and those at risk of disability (those aged 55 and above) in Canada will be \$536 billion by 2031.¹³ Their impact on the Canadian economy increases significantly when taking into consideration their friends and families, who are also more likely to go to businesses that are inclusive of customers with disabilities. By creating an inclusive and supportive work environment for people with disabilities, employers can reach into different segments of the community and appeal to a wider customer base.¹⁴

BENEFITING THE COMMUNITY

Employees bring with them societal stereotypes and beliefs that can be amplified in the workplace, potentially causing misunderstandings or miscommunications. Enhanced awareness and education will change attitudes. Cultural change within the workplace can also spread outward and effect change in the wider community.

As employees with disabilities take a more prominent role in the workplace, their colleagues will begin to confront the stereotypes and assumptions they once held

about people with disabilities and the contributions they can make. These colleagues can then spread this new awareness to the wider community.¹⁵

HOW TO CREATE AN INCLUSIVE WORK ENVIRONMENT FOR EMPLOYEES WITH DISABILITIES

For some organizations, a journey that began with a need to comply with employment equity legislation, such as the *Employment Equity Act* and the *Pay Equity Act*, has led to diversity and inclusion being integrated into the organization's core values and culture. [Exhibit 2](#) shows this progression.

How did these organizations develop inclusive work environments? In most instances, the successful creation of an inclusive workplace includes the following essential elements:

- ♦ leadership commitment;
- ♦ diversity and inclusion champions;
- ♦ a long-term, sustainable plan for inclusion;
- ♦ enabling policies and practices.¹⁶

Exhibit 2

The Journey to Inclusion for Employees With Disabilities



Source: Adapted from van Biesen and Rudy, *Executive Inclusion*, 4.

13 Kemper and others, *Releasing Constraints*, 24–25.

14 Deloitte, *The Road to Inclusion*, 5.

15 Equality and Human Rights Commission, *An Employer's Guide*, 5.

16 van Biesen and Rudy, *Executive Inclusion*, 4–7.

LEADERSHIP COMMITMENT

Changing an organization's culture requires a sustained effort by senior leaders who are seen to be committed to the change.¹⁷ They must communicate a convincing business need for creating a culture of inclusion for employees with disabilities. Senior leaders should model the inclusive behaviours they want to see throughout the organization.

DIVERSITY AND INCLUSION CHAMPIONS

Champions lead change. Organizations with superior practices for hiring and developing people with disabilities invariably use champions to carry the message of inclusion to every employee throughout the organization.¹⁸ Champions come from all levels in the organization—including senior leadership. Their goal is to help create a work culture that focuses on the abilities of all employees—not on their disabilities.

A LONG-TERM, SUSTAINABLE PLAN FOR INCLUSION

A vision is an excellent starting point when creating more inclusive and accessible workplaces. For sustainable change to occur, however, that vision needs to be integrated into everyday processes and practices. A few specific actions can make daily business processes more inclusive. Organizations can:

- ◆ educate and raise awareness among employees about the business benefits of inclusion and accessibility through educational workshops and learning sessions;
- ◆ review employment systems to ensure that the needs of employees with disabilities are identified and met from the hiring process through to career advancement;
- ◆ provide appropriate accommodations to employees, where needed;
- ◆ ask employees with disabilities directly through employee surveys, focus groups, or discussions with employee resource groups whether the workplace supports their needs;
- ◆ hold managers accountable for their efforts to create an inclusive work environment for all of their direct reports, including employees with disabilities.

¹⁷ Jamison and Miller, *The 7 Actions*, 2.

¹⁸ Hastings, "Diversity Champions."

Both large and small organizations can create and benefit from an inclusive work environment, as shown in the case studies in the Business Profile boxes "The Business Case for Hiring Employees With Disabilities at Paddy Flaherty's Irish Pub" and "Creating an Inclusive Workplace for Employees With Disabilities: A Business Imperative at Scotiabank."



About Creating Inclusive Work Environments

There is a strong business case for hiring and valuing employees with disabilities in small organizations:

- ◆ Competition for talent can be intense for small business owners, who may not be able to offer the same salaries and benefits as their larger competitors. Being able to attract, hire, and retain employees with disabilities opens up a whole new talent pool from which to draw.
- ◆ By creating an environment where employees with disabilities feel valued, small businesses can ensure the retention of this valuable source of talent.
- ◆ Small businesses are often a vital part of their communities. By visibly creating inclusive work environments for employees with disabilities, small employers can demonstrate that they care about every member of their community and attract new business.

Since the internal human resources processes are less complex in a smaller organization, the approach used to create an inclusive work environment for employees with disabilities can also be simplified. Small business owners should champion the cause of employees with disabilities and visibly model the inclusive behaviours and attitudes they want to see in the workplace. Furthermore, many community organizations can assist small business owners to not only hire, but also train, support, and accommodate their employees with disabilities at little or no cost to the employer. These community-based organizations can include recruitment centres, community living centres, and employer networks. [Appendix B](#) lists organizations and resources that can assist employers to create accessible and inclusive work environments for their employees with disabilities.

HOW THE ACCESSIBILITY STANDARD FOR EMPLOYMENT CAN HELP

The Accessibility Standard for Employment (Employment Standard) sets out specific requirements for employers to provide accessibility during the different stages of employment. It reaches beyond the duty to accommodate

individuals with disabilities and directs how organizations should interact with and accommodate employees with disabilities. Compliance with the Employment Standard should help organizations create employment opportunities and experiences that are more accessible to people with disabilities.

BUSINESS PROFILE



The Business Case for Hiring Employees With Disabilities at Paddy Flaherty's Irish Pub

Paddy Flaherty's Irish Pub is a traditional Irish pub featuring hearty seasonal menus and live entertainment.¹ It is a recognized landmark in Sarnia, Ontario. For manager Scott Dargie, there are many reasons for small businesses like his to employ people with disabilities. These include a shortage of available talent and the creation of closer ties with the community.

A SHORTAGE OF AVAILABLE TALENT

Like other small employers in the food service industry, Paddy Flaherty's experiences high staff turnover among its mostly young employees. This is a major business concern for Dargie. People with disabilities are an important source of dedicated, long-term talent for his restaurant. He therefore works with a local organization (Sarnia Community Living) to find suitable candidates with disabilities. This organization not only provides employers with potential employees, but also offers job coaches who have worked in the industry to help new employees learn their new job duties in an effective way.

This approach can be very successful for both the person with a disability and the small business owner. For example, more than eight years ago, Paddy Flaherty's hired one of the candidates provided by Sarnia Community Living as a dishwasher. The individual has a developmental disability and had been told in the past that he was unemployable. Today, he is still a dedicated employee at Paddy Flaherty's and, during his employment, has followed a normal career development

path to become a prep cook. In an industry known for its high turnover, the retention of a dedicated, long-term, loyal employee has been very beneficial to the restaurant.

CLOSER TIES WITH THE COMMUNITY

Small businesses are an integral part of the community where they are located. According to Dargie, it is important for small business owners to contribute to their community in any way they can. Since small businesses provide the majority of employment opportunities in smaller communities, offering employment and an acceptable income to individuals with disabilities can also help the community where they live.

However, this is a win-win situation. The fact that an employer hires and retains people with disabilities is often mentioned throughout the community, which can help raise the organization's community and professional reputation. For example, Paddy Flaherty's has been recognized by the local Chamber of Commerce for its employee relations practices. One of the reasons for the nomination was the restaurant's practice of hiring people with disabilities.

During his 29 years in the food industry, Dargie has always worked in restaurants that have employed people with disabilities. For him, employing a person with a disability is not unusual. If the candidate can perform the essential functions of the job, she should never be denied employment because of a disability. Dargie adds that small employers need to become more aware of not only the benefits of hiring and retaining employees with disabilities, but also the resources that are available to them during these processes.

¹ All information about Paddy Flaherty's Irish Pub is from Scott Dargie (Manager). Interview by Jane Vellone. April 11, 2012.



BUSINESS PROFILE

Creating an Inclusive Workplace for Employees With Disabilities: A Business Imperative at Scotiabank

At Scotiabank, one of Canada's leading multinational financial services providers, senior management believes that leveraging the unique skills and talents of all of its over 80,000 employees generates innovation and stronger business outcomes.¹ They are committed to ensuring the inclusion of employees with disabilities and their career success at Scotiabank.²

Scotiabank takes a proactive approach to ensuring the inclusion of employees with disabilities in its workforce.³ As Mark Lamoureux (Director, Corporate Banking, Global Mining at Scotiabank) has stated: "The best advice I can offer new employees with disabilities is that Scotiabank will hire people based on their abilities and will give them what they need to achieve their potential."⁴

LEADERSHIP COMMITMENT

The entire organization is committed to creating an inclusive work environment for employees with disabilities. This commitment is demonstrated at the top. As Sylvia Chrominska (Group Head of Global Human Resources and Communications for the Scotiabank Group) confirmed: "Our focus and commitment to the value of diversity and benefits of inclusion define our employment experience and guide our interactions with customers, the public, and each other."⁵

Senior leaders firmly believe that creating an inclusive work environment is an ongoing journey. They must continually listen to the needs of their workforce to ensure the success of the organization, and the satisfaction and engagement of their employees.⁶

DIVERSITY AND INCLUSION CHAMPIONS

How do senior leaders at Scotiabank ensure that they listen to the needs of their diverse workforce? Within the bank's corporate human resources department, they have created the Shared Services group, which champions the hiring of a diverse workforce and develops strategies for inclusive and supportive work environments. The group spreads the message of inclusivity throughout the organization by coordinating educational workshops and learning sessions. It is an invaluable resource for managers who may have questions on how to be more inclusive of their employees with disabilities.

As well, the Shared Services group identifies areas of concern within the organization and comes up with potential solutions to these problems. For example, six years ago, it realized that unconscious attitudinal barriers still existed among some of the hiring managers at Scotiabank, which limited the number of job applicants with disabilities recruited to the bank's workforce. The group began hosting regular networking sessions to which it invites six to eight promising external candidates with disabilities. During these informal lunch sessions, the candidates meet with hiring managers and discuss job opportunities that suit their particular talents. The Shared Services group screens the candidates' resumé's prior to the sessions to ensure that they are viable candidates for positions at the bank. Since it implemented the program, Scotiabank has hired at least one or two individuals per session as interns, some of whom have become permanent employees. At the same time, during these sessions, the hiring managers learn to focus on the job applicants' abilities, not their limitations. They can then bring this new awareness to future interviews.

A LONG-TERM, SUSTAINABLE PLAN FOR INCLUSION

Scotiabank has developed a multi-pronged approach to creating an inclusive work environment for people with disabilities. It has integrated the principles of inclusion and accessibility

-
- 1 Scotiabank Group, *Corporate Profile*.
 - 2 Scotiabank, *Persons with Disabilities*.
 - 3 All information about Scotiabank's diversity program is from Kaye Leslie (Manager, Workforce Diversity). Interview by Jane Vellone and Louise Chénier. March 15, 2012.
 - 4 Scotiabank, *Mark Lamoureux*.
 - 5 Scotiabank, *Sylvia Chrominska*.
 - 6 Ibid.

(continued ...)

BUSINESS PROFILE (cont'd)

Creating an Inclusive Workplace for Employees With Disabilities: A Business Imperative at Scotiabank

into every stage of an employee's career. Some initiatives taken by senior leaders and the Shared Services group are to:

- ◆ assign a dedicated resource person (Manager, Workforce Diversity) who focuses on the inclusion of employees with disabilities;
- ◆ educate and raise awareness among employees through educational workshops and learning sessions;
- ◆ recruit talented employees through career fairs that focus on students with disabilities, recruitment ads in magazines and journals that specifically target candidates with disabilities, and special organizations like Career Edge—which coordinates internships for students with disabilities;
- ◆ inform all job candidates and employees of the availability of accommodation measures and the process for requesting an accommodation;
- ◆ create the Scotiability Fund, a centralized budget that provides resources for accommodation measures, thereby eliminating funding concerns for front-line managers;

- ◆ measure the satisfaction of employees with disabilities with accommodation measures and promotional opportunities through an annual satisfaction survey;
- ◆ provide opportunities for employees with disabilities to learn from each other through the creation of an employee resource group—Scotiabankers for Universal Access;
- ◆ provide all corporate communications in a variety of accessible formats.

Although these are but a few of the initiatives offered at Scotiabank for employees with disabilities, they do demonstrate that the efforts are meant to make these employees feel included and valued throughout their careers. These initiatives and the development of new proactive interventions as new challenges are identified have made Scotiabank a leader in the employment of people with disabilities.

CHAPTER 3

Recruitment and Selection

Accessibility Standard for Employment Requirements Related to Recruitment and Selection

SECTION 22

Employers must notify prospective internal and external job applicants that accommodations for applicants with disabilities will be provided on request.

> [See page 14](#)

SECTION 23

Employers must notify job applicants who are invited to an interview or selection process that accommodations are available on request. In addition, employers must consult with job applicants to identify the supports they might need.

> [See page 15](#)

SECTION 24

Employers must notify successful applicants of its company's policies for accommodation.

> [See page 17](#)

how to tap into the talents of potential candidates with disabilities. It then outlines each of the requirements that affect hiring processes under the Employment Standard. The chapter offers tips, good practice examples, and case studies to help organizations source, attract, assess, and welcome job candidates with disabilities.

TAPPING INTO THE TALENT

People with disabilities may experience difficulty accessing job postings and can be uncertain, based on their previous experiences, about how an employer will react when faced with a candidate with a disability. Employers, in turn, often lack awareness and knowledge about people with disabilities. Some employers report difficulties sourcing candidates with disabilities. To make the hiring process more accessible to potential employees with disabilities, employers can use inclusive practices for both how and where they source candidates.

Job postings from conventional sources, particularly the Internet, may be difficult for people with disabilities to access. Many websites are not designed to be used with assistive technologies such as screen readers, and are therefore inaccessible to certain users. Employers interested in tapping into the talents of candidates with disabilities can contact community organizations and recruiters that can offer assistance on reaching these candidates. (See box “[Hiring and Employing People With Disabilities: Resources for Employers](#)” and [Appendix B](#)

Recruitment and selection processes are the first stages of employment affected by the Accessibility Standard for Employment (Employment Standard). It makes good sense for organizations to reach out to a range of applicants, including those with disabilities. So this chapter begins by exploring

for additional resources.) These organizations often have an existing database of candidates with disabilities who are searching for employment.

Educational institutions with programs and services that support people with disabilities are another source of talent—such as co-op placement programs in high schools or networks for students with disabilities at colleges and universities. Universities and licensing bodies can be helpful resources for identifying highly skilled individuals, especially in accredited occupations.

For example, the first line of the mission statement of Cambrian College in Sudbury, Ontario, is: “We lead with our commitment to diverse learners.”¹ This commitment is reflected by the 21 per cent of students at the college who accessed the Glenn Crombie Centre—a multi-service centre that provides supports for students with disabilities—in 2010–11.² Contacting a student disability centre is an excellent first step for recruiters who want to include candidates with disabilities in their pool of applicants.

Additionally, there are numerous national, provincial, and local groups in Ontario that can help employers access job candidates with disabilities. Umbrella organizations such as the Ontario Job Opportunity Information Network are good places to start.

The Ontario Job Opportunity Information Network (JOIN) is a network of 22 community agencies in the Greater Toronto Area (www.joininfo.ca). It helps employers match their hiring needs to suitable candidates with disabilities.³

In addition to connecting employers with appropriate community agencies to support the process of hiring and employing people with disabilities, JOIN offers other services, such as:

- ◆ Access to Candidate Pool: JOIN offers employers a single point of access to a pool of approximately 4,000 candidates through its job posting network and website.
- ◆ Business Leadership Network (BLN): The BLN hosts breakfast series events, which allow employers to hear from other employers about initiatives and practices they have used to successfully employ people with disabilities.
- ◆ Employer Conference: This annual conference of employers highlights some advances and excellent practices related to making the workplace more accessible to people with disabilities. This JOIN-sponsored event includes employer awards for organizations that have made great strides in employing people with disabilities.
- ◆ Career Fair Connection: In 2011 and 2012, JOIN held a career fair to attract candidates with disabilities as well as top employers.
- ◆ Mentoring Connection: This program connects job-ready people with disabilities and professionals in corporate Canada in a mentoring relationship. The mentee learns about the corporate environment and the mentor gains greater understanding of people with disabilities.
- ◆ Employee Resource Group (ERG) Council: This is an employer council dedicated to supporting newly formed ERGs by sharing best practices, lessons learned, and events related to inclusion and disability.

(For additional umbrella organizations, see box “Hiring and Employing People With Disabilities: Resources for Employers.”)

1 Cambrian College, *About Cambrian*.

2 Cambrian College, “Performance Scorecard,” 4, 10.

3 Note: All information about JOIN is from Sharon Myatt (Employment Development Consultant). Interview by Jane Vellone. April 11, 2012.

Hiring and Employing People With Disabilities: Resources for Employers

ONTARIO DISABILITY EMPLOYMENT NETWORK

Description: The Ontario Disability Employment Network (ODEN) is made up of regional employment service providers who work together to increase access to employment for people with disabilities.¹

Services offered to employers: ODEN is an excellent resource for employers looking for community organizations in their area that can help them hire and retain employees with disabilities. Employers who contact ODEN will be connected with local community service providers. This network can also help organizations locate expertise related to accessibility, accommodations, or training (e.g., sensitivity training) related to employing people with disabilities.

Members: Over 70 regional employment service providers.

Website: www.odenetwork.com

ROTARY AT WORK

Description: Rotary at Work has formed a partnership with Community Living Ontario to help Ontarians with disabilities find meaningful and engaging work. The organization actively encourages employers to consider filling vacancies with, and to create job opportunities for, people with disabilities.

Services offered to employers: Rotary at Work will, if needed, put employers in touch with local employment agencies that can provide a range of assistance, including locating candidates with disabilities, pre-screening, on-the-job training, and assistance with accommodations. The organization can also provide testimonials from employers who have employees with disabilities.²

Website: www.rotaryatwork.com/page/home.aspx

CANADIAN COUNCIL ON REHABILITATION AND WORK

Description: The Canadian Council on Rehabilitation and Work (CCRW) is a cross-disability organization supporting people with disabilities, employers, and community agencies in advancing employment opportunities for persons with disabilities.³

Services offered to employers:

- ◆ Job Accommodation Service: This is a Canada-wide, fee-based service available to assist employers with providing accommodations to employees and integrating accessibility and inclusion into their workplaces. Services include job accommodation evaluations, consultations and training regarding the duty to accommodate and compliance with the Accessibility for Ontarians with Disabilities Act (AODA), and the review and design of policies and processes to ensure a barrier-free workplace. (www.ccrw.org/jas)
- ◆ Disability Awareness Series: This educational program is a series of five modules that employers can use themselves or deliver to their employees about inclusive work environments, unconscious stereotypes and attitudes, and making all aspects of the employment process accessible. (www.ccrw.org/das)
- ◆ WORKink: This website includes tools and articles that employers can use to increase diversity and inclusion in their workplaces. Employers can post jobs on this website, as well as search through a wide variety of resumés for potential candidates with disabilities. (www.workink.com)
- ◆ Skills Training Partnership (STP): STP is a unique recruitment model designed to assist employers in developing training projects that prepare qualified job seekers with disabilities for employment. It is also an opportunity for employers to gain expert assistance in recruiting, hiring, and training skilled employees with disabilities. The STP website is a free online tool for employers, community agencies, and people with disabilities, and it offers a variety of downloadable resources. (www.stp-pac.ca)
- ◆ Workplace Essential Skills Partnership (WESP): This is a Toronto-based, free pre-employment workshop available to professional job seekers with disabilities. It is designed to simulate a small group office environment, and it helps job seekers gain the tools and confidence needed to be competitive in today's job market. WESP also helps employers save time, money, and energy by connecting them with pre-screened, qualified, and job-ready candidates. (www.ccrw.org/wesp)

Members: CCRW offers services to many parts of the community and has a variety of membership options, depending on the services an employer is seeking. Types of memberships are Youth; Individuals; CCRW Conference Participants and JAS First Time Clients; Government/Non-Government/Non-Profit Organizations; Corporate (large business, 100 or more employees); Corporate (medium-sized business, 50 to 99 employees); and Corporate (small business, 1 to 49 employees).

Website: www.ccrw.org

1 All information about the Ontario Disability Employment Network is from Joe Dale (Executive Director). Interview by Jane Vellone. April 20, 2012.

2 Rotary at Work, Ontario Districts 6290, 6400, 7070 & 7090, *Ontario's Rotary at Work*.

3 All information about the Canadian Council on Rehabilitation and Work is from Jaclyn Krane (Manager, Workplace Essential Skills Partnership) and Elizabeth Smith (Manager, Employer Consultations and Partnerships). Interview by Jane Vellone and Louise Chénier. April 20, 2012.

These networks include employers who have hired people with disabilities and local resource providers, such as community organizations. As these umbrella organizations have access to a number of community organizations, they can match employers with a resource provider that will best suit their needs. These agencies welcome the opportunity to learn more about an individual employer's skills requirements. The more information about the position and/or organization that an employer provides, the easier it is for the community organization to identify and prepare suitable candidates. Also, employers can connect with other employers to hear first-hand some of the benefits of hiring people with disabilities. [Appendix B](#) provides an overview of selected organizations in various regions in Ontario that can assist in an employer's search for suitable candidates.

It is also interesting to note the most common techniques used by people with disabilities in Ontario to find a job. (See [Chart 1](#).) The methods are similar, if not exactly the same, as those used by other people. However, people with disabilities still experience lower than average employment rates and there is no guarantee that traditional methods of advertisement will reach them. The most common method identified was job postings on a job search website, followed by newspaper, journal, or professional association ads. Word of mouth from family members or friends was the next most common method.

RECRUITMENT

REQUIREMENT: SECTION 22

Every employer shall notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes.

Source: [O. Reg. 191/11, s. 22](#).

MEETING THE REQUIREMENT

The requirement does not say how employers have to let their employees and the public know that accommodations are available. Employers can meet this requirement by including a statement in their job advertisements that lets prospective applicants know that, if they ask for them, accommodations are available to support them in applying for the job and during the interviewing and assessment process. It can be as simple as including a line about the organization's commitment to accommodation in its basic profile in the job posting, such as: "Company XYZ is committed to providing accommodations [for people with disabilities]. If you require an accommodation, we will work with you to meet your needs."¹ Another example reads: "Accommodation will be provided in all parts of the hiring process as required under [organization's name]'s Employment Accommodation policy. Applicants need to make their needs known in advance."²

1 TD Bank Financial Group, *Careers: Senior Auditor*.

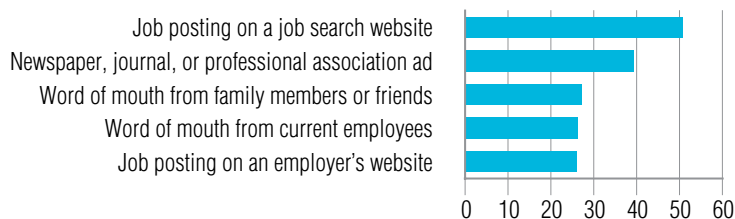
2 Charity Village, *City of Toronto*.

TIPS AND GOOD PRACTICES FOR LETTING PROSPECTIVE APPLICANTS KNOW ABOUT ACCOMMODATIONS

IMPORTANCE OF INFORMING THE PUBLIC AND PROSPECTIVE APPLICANTS ABOUT ACCOMMODATIONS

From the perspective of potential applicants who have disabilities, communicating clearly and publicly about the availability of accommodations in the recruitment

Chart 1
Top Five Ways Job Seekers With Disabilities Find Jobs
(per cent)



Source: The Conference Board of Canada.

process sends a powerful signal that their candidacy is welcome. In fact, over 70 per cent of individuals with disabilities who responded to our survey indicated that it would be helpful to know that accommodations are available when applying for a job. One survey respondent said:

In my experience looking for employment, I cannot determine how supportive an employer will be until I have actually joined the organization. I still feel shy discussing it, but seeing this information would definitely make me more likely to ask for accommodations to allow me to work even better.

REVIEWING JOB DESCRIPTIONS TO MAKE SURE THE STATED REQUIREMENTS ARE NECESSARY

Beyond mandatory notice of the availability of accommodations, it is a good practice to review job descriptions to ensure that the stated requirements are, in fact, necessary to the completion of the job. There are certain occupations where having a specific disability may affect someone's ability to do the job. For example, electrical utility companies employ field technicians whose job requires functional mobility to access any poles, wires, or stations that may require repair. These are known as "bona fide" job requirements.

Bona fide job requirements are duties that are essential to the completion of a job. Employers should be aware that requirements are not bona fide if they:

- ◆ relate to incidental duties instead of essential parts of the job, or
- ◆ are based on co-worker or customer preferences.⁴

4 Ontario Human Rights Commission, *IV. Human Rights Issues*.

INTERVIEWING AND ASSESSMENT

REQUIREMENT: SECTION 23

(1) During a recruitment process, an employer shall notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to the materials or processes to be used.

(2) If a selected applicant requests an accommodation, the employer shall consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

Source: [O. Reg. 191/11, s. 23](#).

MEETING THE REQUIREMENT

Employers must let applicants who have been invited to participate in a recruitment, assessment, or selection process know that accommodations are available upon request. They can do this in many different ways—including by telephone or in writing (via e-mail or letter)—when inviting applicants for an interview, depending on the method the organization uses to contact interviewees. Employers may also provide candidates with contact information for a person they can get in touch with if an accommodation is required. However, having a contact person is not a specific requirement of the Employment Standard.

If a selected applicant requests an accommodation, the employer must consult with the applicant and provide a suitable accommodation that takes into account his accessibility needs. A candidate with a disability often knows best which accommodations will be appropriate. So, rather than guessing what will be required, the organization must ask him. Effective accommodation requires collaboration between the employer and candidate.

Employers may use the Accessible Interviewing Checklist provided in [Appendix A.1](#) to help them review their interviewing and assessment procedures.

TIPS AND GOOD PRACTICES FOR INTERVIEWING AND ASSESSMENT

EDUCATING AND TRAINING MANAGERS ABOUT MAKING HIRING PROCESSES ACCESSIBLE

To optimize how inclusive their selection practices are, organizations need to consider how applicants can access the interviewing and assessment process, as well as how hiring managers conduct interviews. Although the interview format and physical location are important considerations for accessibility, hiring managers/recruiters also need to use non-biased interviewing methods. See [Appendix A.1: Accessible Interviewing Checklist](#) for an example.

A manager who has not had exposure to people with disabilities may feel uncomfortable during the interview, perhaps because she does not know, for example, whether to speak to a candidate with hearing loss or to the candidate's interpreter. This could affect how the manager rates the applicant's performance. To increase comfort and confidence in dealing with people with disabilities, employers will benefit from educating and training hiring managers on bias-free interviewing processes and disability sensitivity/awareness.

MINIMIZING BIAS IN THE INTERVIEWING PROCESS

To minimize bias, organizations should try to make the interviews as similar as possible. For example, using scripts that lay out which questions will be asked and what will be said ensures that a recruiter does not focus on areas where he has a personal interest or bias. For an example of a standard script, see [Appendix A.2: Sample Interview Script Guidelines](#).

As well, employers should recognize that people with disabilities may not have the same level of experience as other candidates, due to either lack of access to jobs or health-related leaves of absence from the workforce. Instead of rigidly following minimum experience requirements, employers should allow some leeway to focus on the abilities of the candidate. Can the applicant do the job, even if she does not have the experience?

Tips for Interacting With Individuals With Disabilities

Put people first. When interacting with people with disabilities, employers should focus on the person first rather than the disability. If uncertain about proper etiquette in a particular situation, employers should ask the individual with a disability to clarify her preferences rather than make assumptions.

In addition, it is important to use language that emphasizes the individual rather than the disability. For example, instead of referring to an "autistic person," the more appropriate terminology is "a person with autism." This language structure first recognizes that people with disabilities are people deserving of respect and the same treatment that other people receive. It *then* recognizes that they have a disability that may have an impact on how someone should communicate with them, or demonstrate respect and equal treatment.¹

Below are some specific tips for interacting with people with disabilities:

- ◆ **Any disability**—It is appropriate to offer assistance when it appears that an individual with a disability needs it, but wait until the offer is accepted before assisting him.
- ◆ **Physical disabilities**—Place yourself at the person's eye level when possible. Do not touch the individual's wheelchair or other assistive device, as this is part of her personal space.
- ◆ **Vision loss**—Identify yourself at the beginning of a conversation and announce when you are leaving.
- ◆ **Hearing loss**—To get the attention of an individual with hearing loss, tap gently on his shoulder or arm. Look directly at the individual and speak clearly and at a normal volume. Keep your hands away from your face when speaking and use short sentences. If the individual uses a sign-language interpreter, speak directly to the individual, not the interpreter.²

For further information on disability etiquette covering a wide range of disabilities, see the United Spinal Association's publication *Disability Etiquette: Tips on Interacting With People With Disabilities*. (www.ub-disability.buffalo.edu/etiquette.pdf)

1 Titchkosky, "Disability: A Rose by Any Other Name?" 126–28.

2 Albright, "How Can We Help," 21.

Employers should consider any transferable skills that the applicant can bring to the position. One survey respondent described an interview situation:

In my last major interview, I was about to explain my gap. The interviewer said, “Don’t worry about the gaps. We are assessing your skills right now and people have gaps for many reasons.” I found that quite liberating.

Some people with disabilities may have limited or no experience in the competitive workforce. Some organizations have successfully used pre-employment training programs to prepare people with disabilities to enter the workforce as well as to assess candidates’ job skills.

By placing candidates in a pre-employment program, managers can discover where the candidates excel and where they need additional support. This will minimize any downtime, which could occur as new hires adjust to their work environment. Many community organizations that support the employment of people with disabilities also offer pre-employment programs.

Another low-cost solution that employers can leverage to assess candidates’ skills is job shadowing, where a candidate follows an employee in a specific role for a set period and watches as the employee completes his job tasks. This is beneficial, for instance, for people with developmental disabilities, who may learn better through demonstration and doing tasks than through verbal instructions about how to complete the tasks. Job shadowing is also an effective way to develop accurate job descriptions.

PROVIDING SENSITIVITY AND AWARENESS TRAINING TO MANAGERS

Employers can use sensitivity and awareness training to educate their hiring managers on interacting comfortably and respectfully with applicants with disabilities. This will reduce both the manager’s and the candidate’s apprehension during the interviewing process.

Disability-specific community organizations—such as the CNIB, Canadian Hearing Association, or Community Living Ontario—are excellent sources of training programs. These organizations have in-depth knowledge of the challenges and barriers faced by individuals with a specific disability, as well as of the significant talents they have to offer, and can translate this knowledge into practical tools and strategies for employers. In addition to using the resources listed previously in this chapter (see box “[Hiring and Employing People With Disabilities: Resources for Employers](#)”), employers can use [Appendix B: Selected Resources](#) to find community agencies that provide comprehensive training or that can point employers to appropriate training providers.

NOTIFYING SUCCESSFUL APPLICANTS

REQUIREMENT: SECTION 24

Every employer shall, when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.

Source: [O. Reg. 191/11, s. 24](#).

MEETING THE REQUIREMENT

Employers can meet this requirement by inserting information about their accommodation policy into letters or other communications of offers of employment. Small organizations (1 to 49 employees) are not required to have a written process for developing individual accommodation plans unless they are designated public sector organizations. However, small organizations still must accommodate an employee with a disability.

See [Appendix A.3: Sample Notification to Successful Applicants](#) for an example of wording that can be used to inform a prospective employee of an organization’s accommodation process. For more information on accommodations for employees, see [Chapter 4](#).

TIPS FOR SMALL BUSINESS



About Hiring Candidates With Disabilities

Small businesses can benefit from making their hiring process more inclusive. Simple modifications can make the interviews and assessments of candidates accessible. Below are tips for small businesses. As well, see the Business Profile box “[J.E. Agnew Food Services Ltd.'s Recruitment Process](#)” for a practical example of a company making simple modifications to its hiring process.

SOURCING CANDIDATES WITH DISABILITIES

- ◆ Employers can tap into community organizations (such as those listed in [Appendix B: Selected Resources](#)) that assist people with disabilities to find employment. Advertising positions to clients of these agencies is often free of charge. These organizations may also provide pre-employment training or on-site training and support for a trial period.
- ◆ These community organizations often pre-screen candidates to ensure that they have the necessary skills to complete the job, which can remove a step from the selection process.

APPLICATIONS

- ◆ People with disabilities may have difficulty accessing websites to apply for jobs. For example, many large job posting websites are inaccessible to screen readers.
- ◆ Employers can keep paper application forms on-site.
- ◆ Resumés can be accepted in any format, including handwritten.
- ◆ Additional accommodations can include large print for individuals with vision loss.
- ◆ Employers can ask applicants whether they need help reading and/or filling out forms.

INTERVIEWING AND ASSESSMENT

- ◆ Small business owners can use the [Accessible Interviewing Checklist](#), provided in [Appendix A.1](#), to evaluate their interviewing and assessment techniques for accessibility.
- ◆ Employers can consult with the applicant prior to implementing any accommodations for the interviewing process, as the individual with the disability has the best knowledge about which accommodations are most effective.

- ◆ Sometimes the solutions are simple, such as holding the interview in an alternative location if the work environment is not accessible.
- ◆ The format of the interview may have to be adapted. For example, an individual with a mental health disability may not interact with others in a “commonly acceptable” fashion. Small business owners can adapt by using a written interview to assess the individual’s skills and capabilities. This may capture his abilities better than a verbal interview, where the individual may be concentrating too hard on how he comes across to be thinking about the right answers.
- ◆ Employers should focus on the job at hand and whether the individual can complete that job. Variables that may interfere in the selection of people with disabilities include focusing on experience rather than abilities (as people with disabilities have less access to employment than the general population).



BUSINESS PROFILE

Centre for Addiction and Mental Health: Removing Barriers to Employment

The Centre for Addiction and Mental Health (CAMH) is Canada's largest mental health and addiction teaching hospital as well as one of the world's leading research centres in its field.¹ CAMH conducts research; delivers a wide range of programs related to addiction and mental health; and offers educational resources to clients, researchers, and the community. The organization employs people with a wide range of disabilities, including individuals with a history of mental health and/or addiction issues.

RECRUITMENT PROGRAM

CAMH has developed a specialized human resources recruitment and retention program called Employment Works! (EW!), which focuses specifically on employing people with histories of mental health and addiction issues in a range of positions within CAMH. Due to its extensive work in the addiction and mental health field, the organization is especially cognizant of the barriers these individuals may encounter during the hiring process, and it provides advice and solutions to applicants.

The EW! recruiter works with the organization's managers to identify potential job vacancies, promote and/or advertise positions, and provide information and support to potential job applicants. EW! candidates may apply for a wide range of positions, most of them not specifically designated for targeted hiring. However, some positions are designated for EW! candidates, particularly when a personal experience of a mental health or addiction issue is useful to the job role. While applicants receive some customized support and advice, they are expected to be job-ready, and the EW!

coordinator focuses her efforts on removing the barriers that candidates with disabilities often face in the hiring process. As part of its retention effort, CAMH has established an employee self-help group that supports all of its employees with a mental health or addiction challenge.

INTERVIEWING AND ASSESSMENT PROCESS

CAMH has organization-wide policies and training procedures in place for hiring managers. It has instituted mandatory training in bias-free hiring, which includes a specific module on how managers should deal with the subject of disability and accommodation. In addition, the organization has mandatory diversity and health equity training for managers with a dual focus on workplace and human resources issues and clinical care. Managers also are provided with interview tipsheets on inviting an applicant for an interview and interview protocols.

NOTICE TO SUCCESSFUL APPLICANTS

This organization's commitment to employing people with disabilities does not stop after the interviewing and assessment process. Successful candidates are informed, in their offer letter, about their right to accommodation and how the accommodation process works at CAMH. In addition, once they have started their job, employees are asked to fill out a confidential form—through Occupational Health and Safety (OHS)—that asks whether they require any specific accommodations, either in their regular work environment or in case of emergency.

CAMH understands that it needs to reiterate its message about accommodation to make sure that the message is received and understood. An individual may scan an offer letter quickly in the rush of excitement at being offered a job. By having the individual fill out an OHS form at a later date, CAMH is reinforcing its commitment to accommodate people with disabilities to ensure successful employment.

¹ All information about the Centre for Addiction and Mental Health's recruitment and selection processes is from Janet Mawhinney (Manager Diversity and Equity). Interview by Jane Vellone and Louise Chénier. March 15, 2012.



BUSINESS PROFILE

J.E. Agnew Food Services Ltd.'s Recruitment Process

J.E. Agnew Food Services Ltd., a company that employs 575 people across 18 Tim Hortons franchises in the Kingston area, has focused on employing people with disabilities for many years. It has partnered with community organizations to gain access to this valuable talent pool. To successfully interview and select the best employees, the company has also adapted its interviewing process to accommodate any needs that may arise.¹

SOURCING CANDIDATES

To find candidates with disabilities, J.E. Agnew Food Services has formed relationships with a number of community organizations. This strategy started when, many years ago, March of Dimes reached out to the company looking to place clients who were searching for employment. Based on the success of that venture, the company has since developed relationships with Community Living Kingston and the Frontenac Community Mental Health Services. To give the community organizations it works with time to pre-screen and identify appropriate candidates, J.E. Agnew Food Services provides its postings one

to two months prior to a vacancy, when possible. It has never encountered a problem finding qualified potential candidates using this process.

J.E. Agnew Food Services also works closely with local high school co-op programs, an innovative solution that strengthens its ties to the community. "We don't have a limit on co-op placements," says Human Resources Manager Andrea Payne, "and quite often, we hire the person on afterwards."

INTERVIEWING AND ASSESSMENT PROCESS

In addition, J.E. Agnew Food Services has adapted the interviewing and assessment process for candidates with disabilities. The organization often employs individuals with developmental or intellectual disabilities and, to accommodate their needs, it has a flexible interviewing process that can be adapted on the spot. At career fairs, the company will often do interviews on location, and it actively encourages the participation of support workers or family in the interviewing process. The support person can ask additional questions about the job and can make a candidate feel more comfortable during the interview by providing a familiar face. For some individuals, J.E. Agnew Food Services will even skip the interviewing process and go right to hands-on training to assess their abilities. In these cases, a trial period (which generally lasts one week) is incorporated into the individuals' training.

¹ All information about J.E. Agnew Food Services Ltd.'s recruitment and selection process is from Andrea Payne (Human Resources Manager). Interview by Jane Vellone and Louise Chénier. February 29, 2012.

CHAPTER 4

The Accommodation Process

Accessibility Standard for Employment Requirements Related to Workplace Accommodations

SECTION 28

Large employers must develop a written process to create documented, individual accommodation plans for employees with disabilities. These must include a number of components, as outlined in this chapter.

> [See page 22](#)

SECTION 25

Employers must inform all employees of their policies to support employees with disabilities. Employers must provide this information to new employees as soon as possible. Employers must also provide updates of existing policy changes.

> [See page 27](#)

SECTION 26

Upon receiving a request for accommodation, all employers must consult with the employee to provide job-related or other workplace information in accessible formats.

> [See page 27](#)

SECTION 27

Every employer must provide, and review when necessary, individualized workplace emergency response information to employees with disabilities.

> [See page 28](#)

The extent to which an employee with a disability will face a workplace challenge depends on a variety of factors, including the nature and severity of the disability, the nature of the work, and the work environment. Employers must be aware of these potential challenges and establish a process that promotes equal participation and career success for people with disabilities in their organizations. The Accessibility Standard for Employment (Employment Standard) requires Ontario employers to develop a written process for documenting individual accommodation plans for employees with disabilities. This process includes the active participation of the employee during the development of his individual accommodation plan.

This chapter first looks at the duty to accommodate and then outlines each of the requirements related to accommodation. It presents a process that employers can use to accommodate employees with disabilities so that they can fully participate in and contribute to the organization. This chapter also offers tips, good practice examples, and case studies that will help organizations with their accommodation plans and practices.

DUTY TO ACCOMMODATE

Under the Ontario *Human Rights Code* (the Code), organizations have certain obligations related to accommodation and non-discrimination for people with disabilities. The Accessibility Standard for Employment does not replace or affect these obligations or other laws

related to accommodation. Organizations must comply with both pieces of legislation. The Code or other applicable legislation may require additional accommodation measures that go beyond, or are different from, the standards established by the regulations of the *Accessibility for Ontarians with Disabilities Act*.¹

PROCESS FOR DEVELOPING DOCUMENTED INDIVIDUAL ACCOMMODATION PLANS

REQUIREMENT: SECTION 28

(1) Employers, other than employers that are small organizations, shall develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.

Source: *O. Reg. 191/11, s. 28.*

MEETING THE REQUIREMENT

According to the Employment Standard, employers must implement a written process for the development of the required accommodation plans for their employees with disabilities. This process must include specific elements, including how employees:

- ◆ can participate in the development of the individual accommodation plan;
- ◆ are assessed on an individual basis;
- ◆ can ask for a representative from their bargaining agent or another representative from the workplace to participate in the development of the accommodation plan.

In addition, the plan must include how employers can request an evaluation by an outside medical or other expert, at the employer's expense, to determine whether and how accommodation can be achieved.

Other elements that need to be stated in the written process include:

- ◆ the steps taken to protect the privacy of the employee's personal information;
- ◆ how often the individual accommodation plan will be reviewed and updated, and how this will be done;
- ◆ if an individual accommodation plan is denied, how the reasons for the denial will be communicated to the employee;
- ◆ how an employee will be provided with an individual accommodation plan in a format that takes into account her accessibility needs due to disability.

CONSIDERATIONS FOR DEVELOPING A WRITTEN ACCOMMODATION PROCESS

As a good practice, an employer and an employee with a disability can work together to determine and implement appropriate accommodation measures. A sample written accommodation process is available in [Appendix A.5](#).

The following section outlines potential steps and actions that a manager can take to provide an accommodation to support and/or address an employee's abilities, functional restrictions, or disabilities. A flow chart of the process is shown in [Exhibit 3](#).

Even before a request for an accommodation is received, the employer must inform all employees and job applicants that accommodation measures are available within the organization. Information about how an employee can request an accommodation, whom to contact to request it, and the accommodation process itself should also be readily available and communicated to all employees.

STEP 1. RECOGNIZING THE NEED FOR ACCOMMODATION

The first step in the accommodation process is to recognize the need for an accommodation measure. The duty to accommodate exists for disability-related needs that are known. Therefore, the process is usually initiated when an employee with a disability requests an accommodation.²

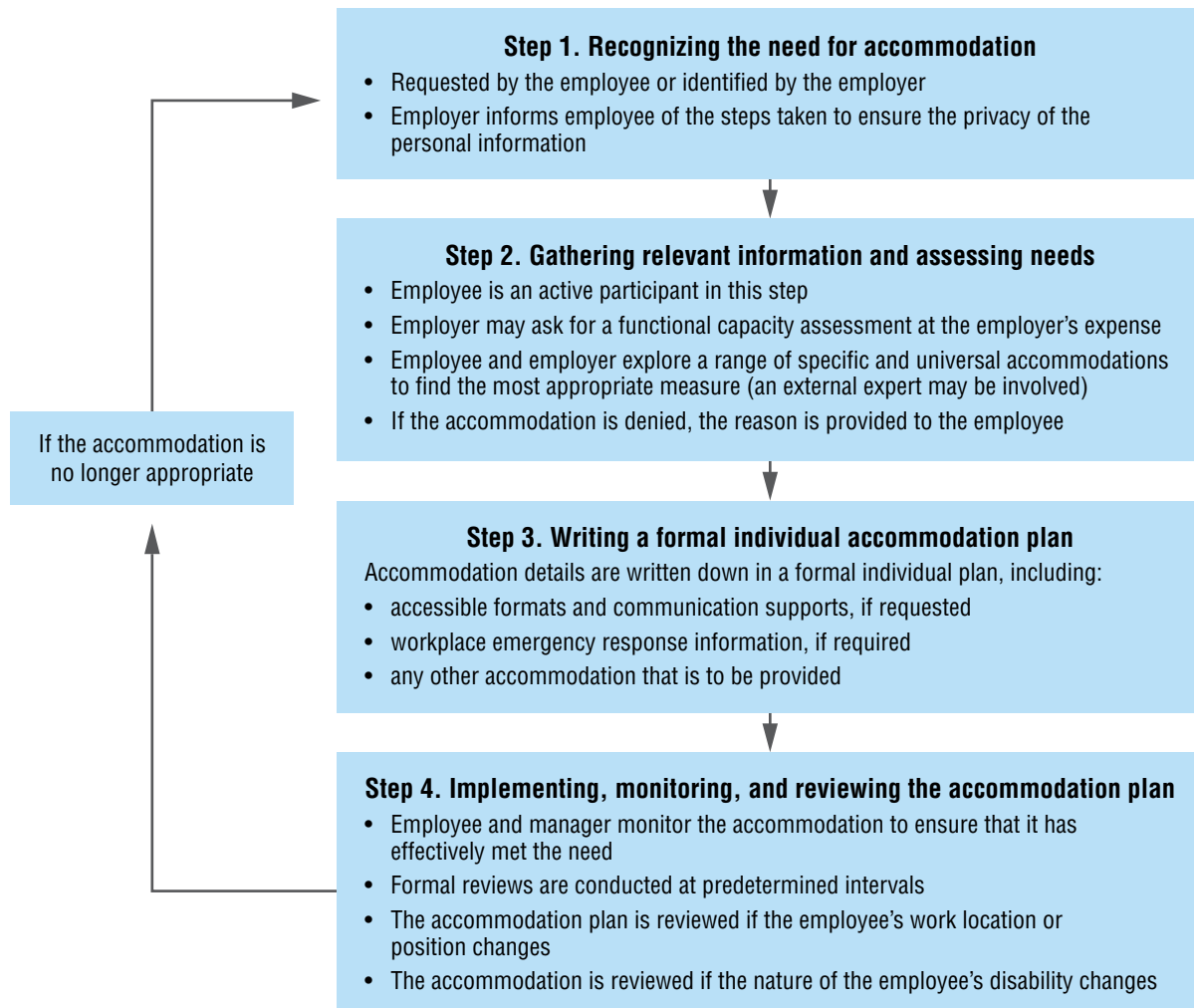
In some instances, an employee may not be able to identify his need for accommodation or communicate it due to the nature of the disability.³ As well, if the employee is new to his position, he may not be aware of the tools and processes involved in the job. Should a manager notice that an employee could be helped by an accommodation, the manager should discuss the availability of accommodation measures with the employee. For example, some mental health conditions make it difficult for an employee to identify specific needs or challenges. If the manager notices that an employee is facing new challenges, rather than immediately addressing this as

1 For more information on the Code, see www.ohrc.on.ca/en/ontario-human-rights-code.

2 Treasury Board of Canada Secretariat, *Accommodation Process*.

3 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 155.

Exhibit 3 The Accommodation Process



Source: The Conference Board of Canada.

a performance management issue, the manager might consider whether the employee's actions are related to a disability that can be accommodated.

An individual with a learning disability who was interviewed for our research shared that, prior to her diagnosis of attention deficit disorder, she had believed that everyone occasionally "zoned out"—after all, she had seen her father and her brother do so throughout her childhood. As she mentioned during the interview:

I thought it was normal [to zone out] except that my husband would get so irritated with me. I sat down one day and I thought, "Man, he gets so irritated about this, but my dad does it, my brother does it, I do it." And then I thought, "Uh oh!"

Her colleagues and her manager had noticed that she would occasionally be very distracted in mid-thought and that this was hindering her work, but they had not discussed it with her. Unaware of the issue, she could

not request an accommodation or be accommodated in the workplace. Once she was diagnosed and accommodations were put in place, however, her work performance improved dramatically. As she noted:

When we addressed it at the workplace, in terms of giving me a quieter office and doors shut, it made a major difference. And I now know the cues that [tell me] I have to be careful ... that my work is going to need a double-check. I have to go over it later, first thing in the morning when it's quiet, if I am ever interrupted or in a noisy environment.

This simple accommodation benefited the employee, the manager, and the organization. Yet, if the manager had initiated a discussion about her observations sooner, the employee could have been accommodated earlier. It is important to note, however, that employers should not try to diagnose disabilities. They should simply address any issues that are hindering the employee's work performance to determine whether the employee is encountering challenges that can be overcome with a simple accommodation.

STEP 2. GATHERING RELEVANT INFORMATION AND ASSESSING NEEDS

During this step, an employee may be asked to provide medical information, at the employer's expense, that will help the employer or an external expert determine the appropriate accommodation measure. This may involve, for example, a functional capacity evaluation (see [Appendix A.4](#) for an example of a functional capacity assessment form). This step is an important one in the accommodation process: it reassures employees that an objective accommodation process is in place in the organization.

The accommodation process should be collaborative. (See box "[Roles and Responsibilities of Key Stakeholders During the Accommodation Process.](#)") The employee is an active participant in the process, and provides important input about what might be most effective and appropriate. The employee, the employer, the union representative (if applicable), and external experts then explore the various options to determine

which accommodation will best address the employee's challenges. This may involve experimentation, partial implementation of solutions, and training.⁴

Employers are required to find the most appropriate accommodation, short of undue hardship. According to the Ontario Human Rights Commission, an accommodation will be considered most appropriate if it results in "equal opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges experienced by others ... and meets the individual's disability-related needs."⁵ If it is determined, however, that the most appropriate accommodation would result in undue hardship, an employer can phase-in the accommodation, providing full accommodation when sufficient funds become available. Furthermore, an alternative accommodation that is less than ideal can also be put into practice in the short term until the most appropriate accommodation can be implemented.⁶

Exploring a Range of Specific and Universal Accommodations

Job accommodations can include accessible formats and communication supports for information, physical or structural modifications, changes in work demands and schedules, or the use of assistive devices. An accommodation allows an employee with a disability to fully access and participate in the workplace and to complete the same duties and requirements as other employees. It can be temporary or permanent, depending on the needs of the employee. Some possibilities are presented below.

Increasing physical accessibility ... for all

Physical modifications can range from the installation of ramps and handrails, to the adjustment of the height of work surfaces, to the total redesign of work areas by ergonomic specialists.⁷ It is important to note that these physical or structural modifications can actually be useful for the entire workforce and for customers, not only for employees with disabilities. As one employee mentioned:

4 Williams-Whitt and Taras, *Perspectives on Disability and Accommodation*, 26.

5 Ontario Human Rights Commission, *Policy and Guidelines*, 15.

6 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 149.

7 *Ibid.*, 72.

I try not to put my disability in everyone's face. I think it's my issue, it shouldn't be everyone else's, but if something can play dual duty, why shouldn't it? I think a higher chair or a hydraulic chair is more comfortable for everybody. So why not make an office comfortable and accessible? It might be a client who comes in and needs it.

Increasing the workplace's physical accessibility is useful for everyone, including employees and clients. Buildings and spaces created or modified using the principles of universal design (the design of products and environments that are usable by all without the need for accommodation)⁸ are good for an organization's bottom line.

Changing work demands and schedules

Modifications of the job itself can range from redistributing specific duties to adjusting, or being flexible about, the hours or schedule of work.⁹ This can occur when job tasks need to be modified to prevent a worker from being reinjured. For example, job tasks that require lifting are removed from the job description of an employee with a back condition and substituted, either temporarily or permanently, with other tasks.

This type of accommodation also covers changes to hours worked. For instance, an employee undergoing medical treatments may need to work part time in order to build up his strength gradually. An employer can also provide, for example, flexible work hours to an employee who has to go to medical appointments during regular work hours.

Exploring options and offering the most appropriate assistive devices

Assistive devices are products or devices that employees with disabilities can use to perform a specific task or that help maintain or improve their functional capabilities.¹⁰ Assistive devices are not necessarily technically complex or expensive. Furthermore, they can often benefit others in the workplace.

Roles and Responsibilities of Key Stakeholders During the Accommodation Process

Several individuals can be involved in the accommodation process. The roles and responsibilities of some of these key stakeholders are listed below.

THE EMPLOYEE

The needs of the employee with a disability are central to the accommodation process. To ensure that these needs are met during the accommodation process, an employee can:

- ◆ inform the employer about the need for an accommodation;
- ◆ provide details about relevant restrictions—including information from health care professionals—when appropriate and as required;
- ◆ collaborate with the employer to find an appropriate accommodation;
- ◆ participate in the development of an individual accommodation plan;
- ◆ work with the employer to monitor and evaluate the accommodation.

THE EMPLOYER

During the accommodation process, the employer can:

- ◆ accept an employee's accommodation request in good faith;
- ◆ record every accommodation request and any actions taken;
- ◆ collaborate with the employee to find an appropriate accommodation;
- ◆ maintain the employee's privacy;
- ◆ request only the functional capacity information that is required to determine an appropriate accommodation;
- ◆ seek expert opinion where needed and investigate alternative accommodations;
- ◆ provide an accommodation in a timely manner.

THE UNION REPRESENTATIVE

During the accommodation process, unions and professional associations can:

- ◆ participate actively in the accommodation process;
- ◆ work with the employer to facilitate the accommodation;
- ◆ support the accommodation irrespective of collective agreements, unless to do so would constitute undue hardship for the employer.

Source: National Institute of Disability Management and Research, *Disability Management in the Workplace*, 154–55.

For example, an individual with hearing loss mentioned that when he began to lose his hearing, his employer quickly provided him with a special device to connect to his phone so that he could control its volume. This was essential for him to be effective in his work. As technology improved, the accommodation was reviewed and he was offered a new phone with a special volume control feature. His manager discovered that the equipment was very effective in this organization's noisy, quick-paced office environment: the manager eventually provided this type of phone to all employees in his department.

8 North Carolina State University, "The Principles of Universal Design."

9 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 72.

10 *Ibid.*, 173.

See box “[Job Accommodation Network](#)”; [Appendix A.7](#); and [Appendix B](#) for real examples of specific job accommodations and a list of accommodation and employment resources for employers.

STEP 3. WRITING A FORMAL INDIVIDUAL ACCOMMODATION PLAN

Once the employer and the employee have agreed on the most appropriate accommodation, the details must be written down formally in an individual accommodation plan. [Appendix A.6](#) provides a sample of such a plan.

The individual accommodation plan must include:

- ♦ any information regarding accessible formats and communication supports provided, if requested;
- ♦ individualized workplace emergency response information, if required;
- ♦ any other accommodation that was identified during Step 2.

[Accessible formats and communication supports](#) as well as individualized [workplace emergency response information](#) are explored in more detail in other sections of this chapter.

STEP 4. IMPLEMENTING, MONITORING, AND REVIEWING THE ACCOMMODATION PLAN

Once an acceptable accommodation has been found, the employer must implement it in as timely a manner as possible. Then, the employee and the manager must monitor the situation to confirm that the accommodation has effectively resolved the challenge.¹¹

The individual accommodation plan must also be reviewed formally and updated on a predetermined schedule. This allows the employer to check that the employee's needs have not changed and that the accommodation is still meeting those needs effectively. It also gives the employer the opportunity to modify the accommodation if it is no longer the most appropriate option for the employee.

¹¹ Williams-Whitt and Taras, *Perspectives on Disability and Accommodation*, 26.

Job Accommodation Network

The Job Accommodation Network (JAN) is a U.S.-based resource that provides employers with free, confidential, expert advice on specific job accommodations and on employment issues involving employees with disabilities. The JAN website also contains:

- ♦ a searchable online accommodation database;
- ♦ accommodation ideas by disability, occupation, product or service, or topic;
- ♦ other resources on accommodation;
- ♦ information about various disabilities.

Website: <http://askjan.org>

The employee's direct supervisor should set up a time to review the accommodation plan with her before the annual performance review so that the employee has all the tools in place to be productive in the workplace. Then, the performance review can be about performance, not accommodation.

Finally, the accommodation plan must also be reviewed if the employee changes his work location or position within the organization. In this situation, the employee may encounter different challenges, which may not be adequately or appropriately addressed by the existing accommodation. If the employer and employee agree that the accommodation is no longer appropriate, they would have to go back to Step 2 of the accommodation process. (See [Exhibit 3](#).)

An example of how a large organization has integrated its accommodation process for employees with disabilities into everyday business operations is found in the Business Profile box “[Transforming Workplace Accommodations at IBM](#).” For most small organizations today, this process is informal. An example of how a small organization, such as an individual hardware store, can accommodate an employee with a disability is shown in the Business Profile box “[Accommodating Employees With Disabilities at The Home Depot](#).” Although The Home Depot is a large employer, each individual store accommodates its employees independently. The process used in this organization can be tailored to suit a small organization.

INFORMING EMPLOYEES OF SUPPORT

REQUIREMENT: SECTION 25

(1) Every employer shall inform its employees of its policies used to support its employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

(2) Employers shall provide the information required under this section to new employees as soon as practicable after they begin their employment.

(3) Employers shall provide updated information to [their] employees whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

Source: [O. Reg. 191/11, s. 25](#).

MEETING THE REQUIREMENT

Employers can meet this requirement by proactively disseminating information regarding the policies they have in place on accommodations and accessibility. An effective communication strategy incorporates some of the following elements:

- ◆ A variety of communication methods and touch points, such as posters, all-staff e-mails, lunch and learns, town hall meetings, and brochures.
- ◆ Information that is in clear, easy-to-understand language. See *Tools for Writers: Plain Language* (www.noslanguages-ourlanguages.gc.ca/decouvrir-discover/outils-tools/oar-wt-eng.html) for a variety of resources to assist in writing clear communications.
- ◆ Feedback from a test audience to determine if the information being provided is clear and understandable.

Employers should provide information on policies that support employees with disabilities to new employees as soon as possible and to all employees on a timely basis, and make them aware of any revisions or adjustments to policies on an ongoing basis. Regular and timely communications about these policies are relevant to all employees in an organization, as people can acquire a disability at any point in their life.

ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS FOR EMPLOYEES

REQUIREMENT: SECTION 26

(1) In addition to its obligation under [Section 12](#), where an employee with a disability so requests it, every employer shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for,

- (a) information that is needed in order to perform the employee's job; and
- (b) information that is generally available to employees in the workplace.

(2) The employer shall consult with the employee making the request in determining the suitability of an accessible format or communication support.

Source: [O. Reg. 191/11, s. 26](#).

MEETING THE REQUIREMENT

Employers must consult with the employee with a disability to determine the most appropriate accessible format or communication support. Any plans for alternative or accessible communication should be included in the employee's individual accommodation plan.

TIPS AND GOOD PRACTICES FOR PROVIDING ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS

Employers need to give employees information that they need to perform their job, and information that is generally available to employees in the workplace in a format that they can easily access and understand. For some employees with disabilities, this might mean alternative formats. But the employee with a disability is often the best resource for determining how this can be accomplished efficiently. Examples of accessible formats are:

- ◆ text-to-speech versions
- ◆ braille
- ◆ large print
- ◆ accessible PDFs
- ◆ plain language versions
- ◆ closed-captioning for videos

The employer, however, has the flexibility to decide on the most appropriate accessible formats or communication supports for the employee. The format chosen will depend on both the needs of the employee and the capacity of the employer to provide the support.

WORKPLACE EMERGENCY RESPONSE INFORMATION

REQUIREMENT: SECTION 27

(1) Every employer shall provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.

(2) If an employee who receives individualized workplace emergency response information requires assistance and with the employee's consent, the employer shall provide the workplace emergency response information to the person designated by the employer to provide assistance to the employee.

(3) Employers shall provide the information required under this section as soon as practicable after the employer becomes aware of the need for accommodation due to the employee's disability.

(4) Every employer shall review the individualized workplace emergency response information,

- (a) when the employee moves to a different location in the organization;
- (b) when the employee's overall accommodations, needs or plans are reviewed; and
- (c) when the employer reviews its general emergency response policies.

Source: [O. Reg. 191/11, s. 27](#).

MEETING THE REQUIREMENT

Employers should consult with the employee with a disability about the type of assistance required during a workplace emergency. Employers can follow the written accommodation process to craft an emergency response plan and then include it in the employee's individual accommodation plan.

TIPS AND GOOD PRACTICES FOR PROVIDING WORKPLACE EMERGENCY RESPONSE INFORMATION

MATCHING EMERGENCY RESPONSE MEASURES TO THE EMPLOYEE'S NEEDS

An employee might require assistance during an emergency due to a temporary or permanent disability. For example, an organization may use an audible alarm, which cannot be heard by an employee with hearing loss, to signal the need to evacuate a building. In this instance, the manager and the employee would discuss evacuation and other emergency situations and collaboratively come up with an appropriate response. This workplace emergency response information would then be written up formally and included in the employee's individual accommodation plan, if applicable.

As well, employees with disabilities may face new barriers during an emergency. For example, elevators may not function. It may be prudent for the employer to conduct a workplace analysis to identify these potential hazards before an emergency occurs. [Appendix A.8](#) includes a sample worksheet that employers can use to identify these potential barriers and alternative emergency response measures. [Appendix A.9](#) provides a sample individualized employee emergency response information form.

ASKING ALL EMPLOYEES ABOUT THEIR NEED FOR ASSISTANCE

Employers are also required to provide individualized workplace emergency assistance to employees with temporary disabilities (e.g., an employee who has broken her leg and may require assistance to evacuate the building quickly).¹² It might be very difficult for organizations to

¹² Ontario Ministry of Community and Social Services, *Providing Emergency Response Information*.

identify all of their employees requiring assistance, so it is a good idea for them to ask all of their employees whether they need help in an emergency. An employer could do this in an all-staff memorandum and during new employee orientations. It is important to reassure employees that they do not have to reveal the details of their medical condition or disability; they need to provide information only about the kind of help or accommodation needed in an emergency.

SPECIFYING APPROPRIATE ACCOMMODATION AND HAVING A BACKUP PLAN

In specific instances, the most appropriate accommodation during an emergency may be to have a co-worker assist the employee with a disability. For example, an employee with an anxiety disorder may become anxious during an emergency and have difficulty following evacuation procedures. An appropriate accommodation might be to ask a co-worker to partner with the employee during an emergency so that they leave the building together. The employer must also have a backup plan, in case the co-worker is out of the office when an emergency evacuation occurs.

In such a situation, the manager needs the employee's consent to share this personal information with a co-worker so that the accommodation can be implemented. If the employee does not consent to share the information, the employer needs to find another accommodation measure that will work.

As indicated above, the employer must also review the individualized workplace emergency response information in the situations listed in section 27 (4) of the Employment Standard.

TIPS FOR SMALL BUSINESS



About Accommodation Requirements

Some organizations have rigorous processes in place to accommodate employees with disabilities. Under the Employment Standard, small businesses are not required to document an accommodation process, although they still have to accommodate employees with disabilities upon request.

In smaller organizations, owners or managers are more often involved in the everyday activities of their employees and may be more aware of any challenges that need to be addressed. As a good practice, small business owners may want to implement a simple process (such as the one described below) for accommodating employees with disabilities.

RECOGNIZING THE NEED FOR ACCOMMODATION

In a small business environment, an employee can often talk directly to the owner or manager about a workplace challenge. This phase should be consultative; in other words, the employee with a disability and the employer should work together to figure out an accommodation that will address a particular issue. After all, an employee knows her own needs best and may provide practical solutions to challenges. If necessary, in more complex situations, the small business owner may want to consult with an expert about appropriate accommodation measures that are also cost-effective. [Appendix B](#) provides a list of resources for employers.

IMPLEMENTING, MONITORING, AND REVIEWING THE ACCOMMODATION PLAN

Once the employee and the employer have agreed on an appropriate accommodation measure, it should be implemented in the workplace in a timely manner. If the cost of the accommodation is an issue, there are government and community organizations that may be able to help. (See [Appendix B](#).) Once the accommodation has been put into place, the employer should review it regularly with the employee to determine whether:

- ◆ the accommodation measure is appropriate and overcomes the workplace challenge;
- ◆ the nature of the disability has changed, requiring a different measure;
- ◆ the workplace has changed, creating new challenges for the employee.

BUSINESS PROFILE



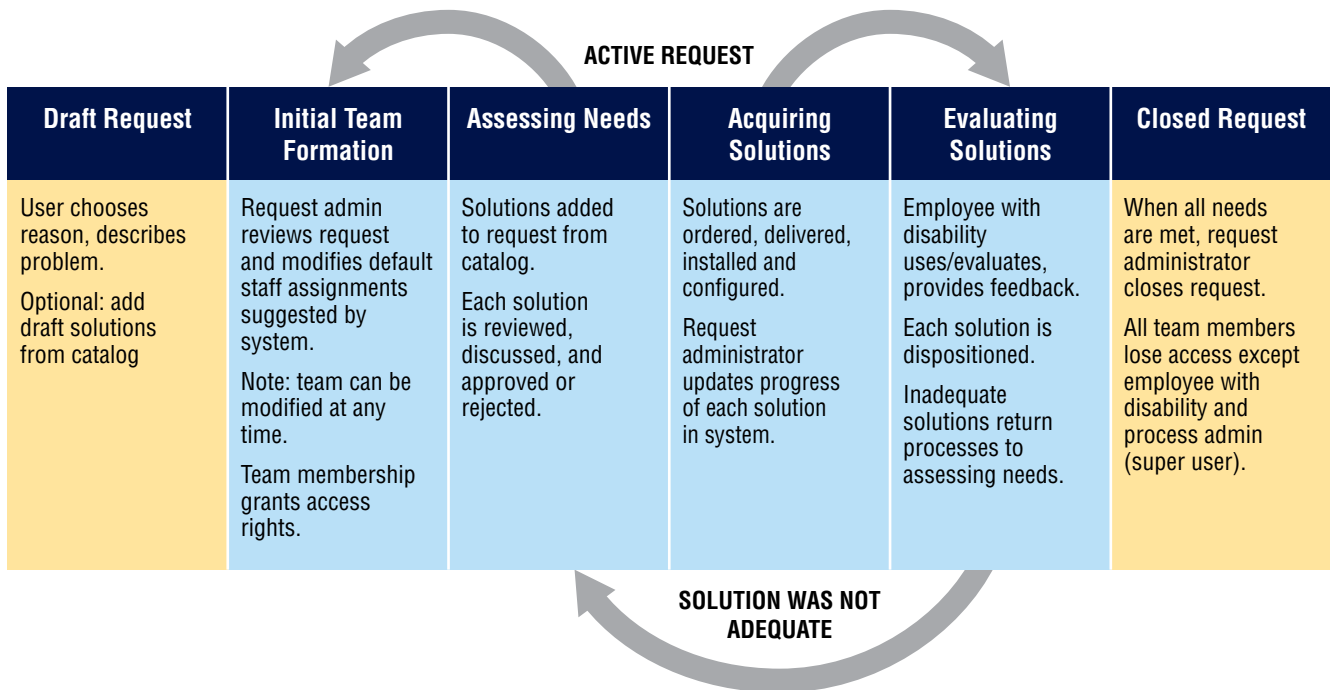
Transforming Workplace Accommodations at IBM

IBM is one of the largest global information technology companies, with 426,751 employees worldwide.¹ It has a long history of creating an inclusive work environment for people with disabilities. The organization hired its first employee with a disability in 1914² and, since then, has won numerous awards and has been recognized publicly for its support of employees with disabilities.³ IBM's commitment in this area is not just a philosophy, it is a business imperative.⁴

At IBM, senior management firmly believe that workplace accommodations allow employees to be competitively productive, regardless of their physical, mental, or cognitive abilities.⁵ The organization has implemented an accommodation process worldwide to ensure that all of its employees with disabilities can be successful in their careers. IBM's accommodation process is illustrated in the exhibit below.

(continued ...)

Accommodation Process at IBM: Using the Online Portal



Source: IBM Research, Human Ability and Accessibility Center, "Transforming Workplace Accommodation."

1 IBM, *About IBM*.

2 Leotta, "Profiles in Excellence."

3 IBM, *Awards and Recognition*.

4 Leotta, "Profiles in Excellence."

5 All information about IBM's accommodation process is from Yves Veulliet (Diversity Leader for Canada; Workforce Diversity Program Manager, Europe). Interview by Jane Vellone. March 16, 2012.

BUSINESS PROFILE (cont'd)

Transforming Workplace Accommodations at IBM

IDENTIFYING THE NEED FOR ACCOMMODATION

Senior leaders were concerned that, due to the organization's global and very mobile workforce, it would be difficult for IBM's well-being officers, physiotherapists, and nurses to effectively manage all of the employees' accommodation issues. To resolve this potential problem, the organization created an online tool (IBM's Accessible Workplace Connection Tool) that is integrated into every employee's Career and Life intranet portal.

The tool allows any employee within IBM's global workforce to make a request for an accommodation directly to the request administrator. The employee can initiate and direct the accommodation process by choosing the option *Get accommodation for the first time* from a simple drop-down menu.⁶ The system then directs him through the process of requesting the accommodation.

If the employee is aware of a potential accommodation measure that could address the need, he can use the portal to specify this solution. If he is unsure of the best accommodation to suggest, a robust catalogue of accommodation measures is available through the portal to assist the employee to identify potential solutions.

GATHERING RELEVANT INFORMATION AND ASSESSING NEEDS

IBM's Accessible Workplace Connection request administrator receives the employee's request from the portal. The administrator ensures that the appropriate accommodation is identified, even if the employee does not enter one through the portal, and that it is procured.

If required, the administrator will ask for medical information about the employee's functional limitations: only the health specialists (e.g., doctor, nurse) will be able to access this information. The administrator ensures that the employee's electronic medical records are kept secure. If able to provide proof of need of an accommodation without an official doctor's note, the employee will still receive assistance.

If required, the administrator will also assign a team to collaborate directly with the employee to address accommodation issues. This

team can comprise a well-being officer, a facilities manager, a physiotherapist, and a nurse, among others. In more complex situations, the employee's manager may be invited to participate, if the employee is comfortable with this.

IMPLEMENTING, MONITORING, AND REVIEWING THE ACCOMMODATION PLAN

Once implemented, the accommodation continues to be monitored and reviewed to ensure that it is an adequate and appropriate solution to the workplace challenge encountered by the employee with a disability. Once again, the employee has control of this phase of the process. An employee can use the Accessible Workplace Connection Tool at any time to:

- ◆ request or update an accommodation because her disability has changed;
- ◆ request or update an accommodation because her work environment has changed;
- ◆ request an improvement to an accommodation to enhance productivity;
- ◆ request supplies or accessories for an existing accommodation;
- ◆ renew or extend an accommodation;
- ◆ get help with a new workplace accessibility or accommodation problem.⁷

When the accommodation administrator receives the update, the accommodation process is reinitiated.

ADVICE FOR OTHERS

Senior management at IBM emphasize that providing appropriate accommodations to employees with disabilities is key to creating an excellent work climate. Employees who are accommodated feel included and valued. They become aware that their needs are not a burden—that the organization is there to assist them and that it has the tools to do so.

The first step in accommodating an employee with a disability, however, is to consult with that employee. Employees with disabilities are the best source of information on the challenges that they personally encounter in their workplaces and on what measures might help remove barriers. Employers should not assume that they can identify the most appropriate accommodation without this consultation process.

⁶ IBM Research, Human Ability and Accessibility Center, "Transforming Workplace Accommodation," 14.

⁷ Ibid., 14.

BUSINESS PROFILE



Accommodating Employees With Disabilities at The Home Depot

The Home Depot Canada operates 180 home improvement stores across Canada¹ and has over 27,000 full- and part-time employees.² At The Home Depot, senior leaders believe that their employees are their greatest competitive advantage and they endeavour to attract, engage, and retain a productive and diverse workforce.³ In particular, the organization frequently hires people with disabilities and it includes employees with disabilities in its advertisements, which work as a marketing and recruitment tool.⁴

When an employee with a disability requires an accommodation,⁵ store managers simply consider this as an ordinary cost of doing business. The corporate head office has not set up a centralized budget to cover the cost of accommodations. If any funds are required to provide an accommodation, they come from the individual store's operating budget. Although The Home Depot does not yet have a formal policy for providing accommodations to employees with disabilities, store managers all follow the same basic steps during the accommodation process.

IDENTIFYING THE NEED FOR ACCOMMODATION

The accommodation process is initiated when an employee with a disability goes to his manager with a request for an accommodation. If the accommodation measure is evident and simple, it is implemented right away. If it is more complex, the employee's manager, the store manager, and the employee collaborate to find a potential solution.

The Home Depot corporate head office has developed a toolkit to help store managers with these discussions. The toolkit includes information on:

- ◆ the business case for accommodation;
- ◆ the common circumstances where an accommodation may be required;
- ◆ how to access information and tools to implement the accommodation.

If a store requires additional assistance to find or implement an appropriate accommodation, the store manager can contact The Home Depot district human resources (HR) manager. The district HR manager may suggest an accommodation or, if needed, ask for assistance from the corporate head office. Furthermore, since The Home Depot Canada is a subsidiary of a much larger U.S. parent company, the district HR manager can also ask for advice from the parent company. The organization has also used third-party community or government organizations to find appropriate accommodation measures and help implement them.

MONITORING AND REVIEWING THE ACCOMMODATION

Once an accommodation has been implemented, the employee and her manager review the measure to ensure that it is effective. Managers are asked to follow up with an employee with a disability within the first three months of implementation of an accommodation and then on an annual basis. The managers often review the effectiveness of the accommodation with the employee during the performance management process.

ADVICE FOR OTHERS

Deborah Berwick (Manager, Organizational Effectiveness, Diversity and Inclusion at The Home Depot Canada) emphasizes that, while they may take time to implement, many accommodation measures are not very expensive. For example, an employee with a physical disability was hired as a millwork sales associate at one of The Home Depot stores. The employee, who used a wheelchair, needed the stand-up desk in the millwork department to be switched to a lower model that would accommodate a wheelchair.

The accommodation took more than a month to implement because the department manager had to request funds to start the work, and the maintenance team had to allocate time and resources to make the change. However, the employee was able to work and be productive during this time because the department manager changed his duties temporarily so that he could work on the store floor. Some of this time was also spent training the employee for his new position. Berwick's advice to small employers is to be creative when managing an accommodation issue to ensure that the employee feels respected and valued.

1 The Home Depot, *Company Information: Our Company*.

2 The Home Depot, *Company Information: Our Associates*.

3 Ibid.

4 MANILA Consulting Group, Inc., *Employer Perspectives*, 12.

5 All information about The Home Depot's accommodation process is from Deborah Berwick (Manager, Organizational Effectiveness, Diversity and Inclusion). Interview by Jane Vellone and Louise Chénier. March 22, 2012.

CHAPTER 5

The Return to Work Process

Accessibility Standard for Employment Requirements Related to the Return to Work Process

SECTION 29

All employers, with some exceptions, are required to develop and have in place a return to work (RTW) process for employees returning to work following a disability-related absence.

> See page 34

Large employers must document an employee's RTW process and include the details in the employee's individual accommodation plan, as per section 28.

> See page 22

the early and sustainable return to work of employees who experience a temporary or permanent disability are a win-win for everyone.

Employees who have to take a disability leave during their career face significant challenges returning to work—especially if their disability prevents them from returning to their previous position. An RTW process can make it easier for employees to return to work in a timely manner.

The Accessibility Standard for Employment (Employment Standard) recognizes this by requiring Ontario employers, except private and non-profit organizations with fewer than 50 employees, to develop a written RTW process for employees who have been absent from work because of a disability-related issue and who require an accommodation to return to work. This information should be included in the employee's individual accommodation plan.

This chapter presents the requirement that deals with the RTW process under the Employment Standard. It outlines an approach that employers can take to support employees returning to work from a disability leave and offers tips, good practice examples, and case studies related to the RTW process.

Absenteeism due to illness or disability is very costly to organizations and is one of the most difficult human resources challenges facing employers today. Each year, employers lose billions of dollars in benefit payments and lost productivity due to illness and disability.¹ Therefore, processes that facilitate

¹ Hughes, *Beyond Benefits II*, 8.

RETURN TO WORK

REQUIREMENT: SECTION 29

- (1) Every employer, other than an employer that is a small organization,
- (a) shall develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work; and
 - (b) shall document the process.
- (2) The return to work process shall,
- (a) outline the steps the employer will take to facilitate the return to work of employees who were absent because their disability required them to be away from work; and
 - (b) use documented individual accommodation plans, as described in section 28, as part of the process.
- (3) The return to work process referenced in this section does not replace or override any other return to work process created by or under any other statute.

Source: [O. Reg. 191/11, s. 29.](#)

MEETING THE REQUIREMENT

Employers, other than small employers, have to develop a process for supporting employees returning to work after a disability-related leave of absence. This process must outline the steps that the employer will take to help an employee return to her job when she has been on a leave of absence due to a disability and requires an accommodation to return to work successfully.

As well, if an employee requires an accommodation to return to work after a disability leave, the employer must develop an individual accommodation plan for the employee. These plans are discussed in more detail in [Chapter 4](#).

If an employee's injury or illness is covered by the *Workplace Safety and Insurance Act, 1997* or any other statute, the return to work processes detailed in these statutes continue to apply.

CONSIDERATIONS FOR DEVELOPING A SUCCESSFUL RETURN TO WORK PROCESS

As a good practice, an employer and an employee who is away from the workplace due to a disability-related leave can work together to determine and implement a successful return to work process.

The process described in the following section is a suggested approach to support an employee returning to the workplace after a disability-related leave. It highlights specific steps that the employer, the returning employee, and other stakeholders can take to ensure the successful reintegration of an individual employee into the workplace. These steps are summarized in [Exhibit 4. Appendix A.11](#) provides a sample of a written RTW process.

STEP 1. INITIATING THE RETURN TO WORK PROCESS

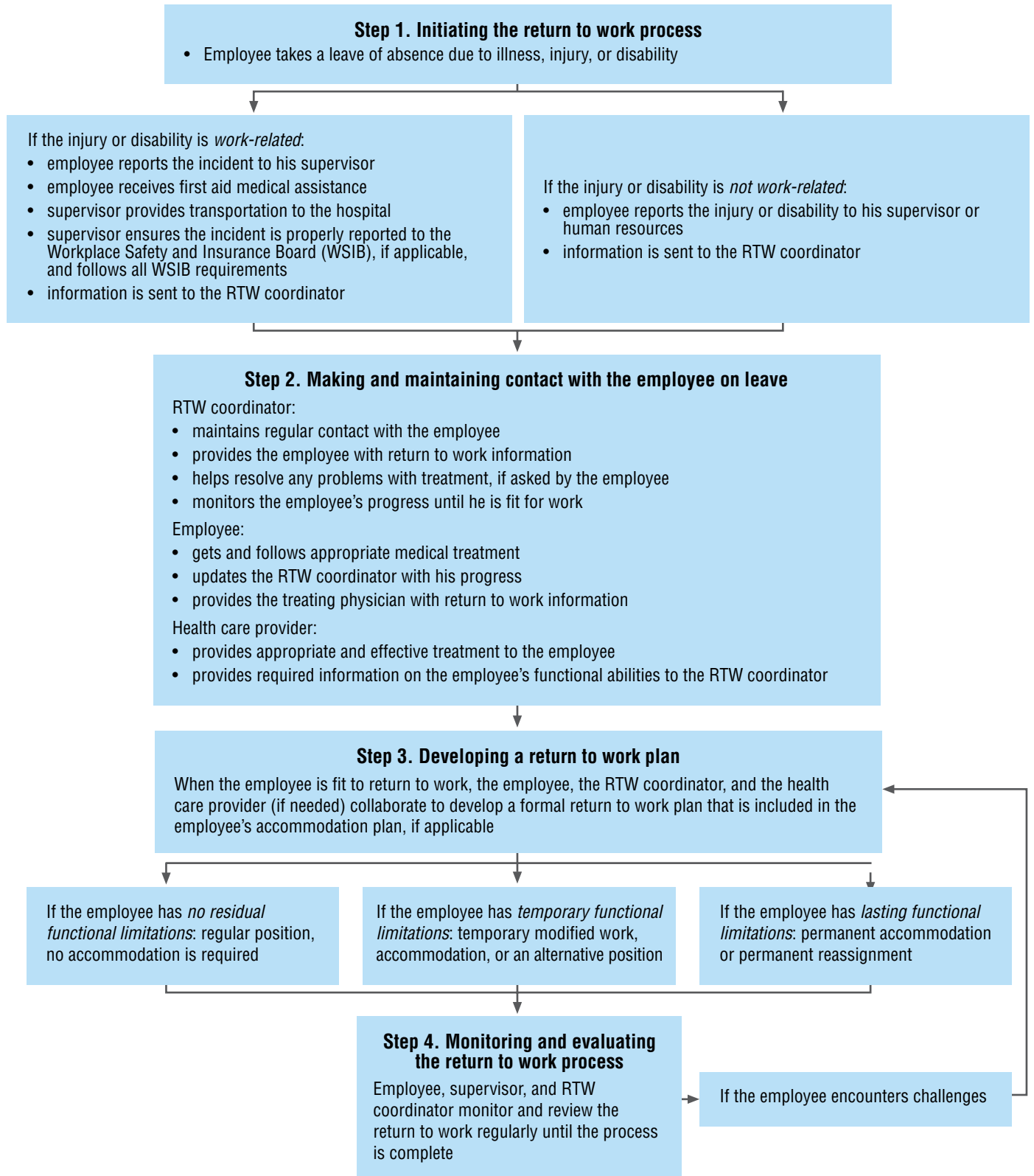
This first step in the RTW process is essential to ensure a successful and timely return to work for an employee on a disability-related leave. All key workplace stakeholders—including the supervisor, the Workplace Safety and Insurance Board (WSIB) (if applicable), and the RTW coordinator—must be informed that the employee has taken a leave of absence due to his disability. The employee can then be offered the supportive programs and resources available in the workplace to assist him to return to work in a timely and safe manner.

STEP 2. MAKING AND MAINTAINING CONTACT WITH THE EMPLOYEE ON LEAVE

Trust must exist between the employee and the employer for the RTW process to succeed. Immediate and supportive contact with an employee who has had to leave work due to a temporary, permanent, or episodic disability lays the foundation for that trust. With the employee's consent, the RTW coordinator can establish a contact schedule with an employee who is away from work due to a disability. The purpose of these calls is to:

- ◆ find out whether the employee requires assistance or information;
- ◆ remind the employee of the supportive programs and practices available to her;

Exhibit 4
The Return to Work Process



- ♦ ensure that she is receiving the treatment needed;
- ♦ provide reassurance about co-workers' care and concern.²

Regular contact also helps the employee retain relationships and a connection with the workplace. During these regular contacts, an RTW coordinator can begin to explore how he can assist the worker to return to work quickly and effectively. However, the employee's health must be protected at all times.

The contact can be maintained by telephone, voice messages, e-mails, or other media, and should be based on the employee's condition and preferences.³ The contacts should be seen by the employee as a caring gesture, not as a push to return to work.

As one employee with a mental health disability, who was on a leave due to a physical injury, stated:

[My manager] ... would call me every week and ask how I was doing, how my hand was healing. A couple of times he asked if I was on my meds. I guess he might have noticed I wasn't because I had been working for him for a while. It made me feel appreciated, that he actually cared to find out how I was doing mentally as well as physically. It was actually very, very nice of him. He would call every week just to ask me how I was.

Supporting Treatment and Rehabilitation

During these regular contacts, an employee might express concerns about her medical treatment, rehabilitation, or ability to return to work. The RTW coordinator, with the employee's permission, can work with the treating physician or health care providers to resolve the problems.⁴ In many cases, this will address the employee's concerns and allow her to focus on recovery.

2 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 53.

3 Thorpe and Chénier, *Building Mentally Healthy Workplaces*, 23.

4 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 55.

Evaluating the Employee's Functional Capacity

When an employee has been away from work on a disability leave, the RTW coordinator can ask her to have the doctor fill out a functional capacity assessment form. This form is not meant to indicate that the employee is fit to return to work. Instead, it provides information about the employee's current abilities and restrictions. This information can then be used to compare the job demands with the employee's capabilities as she returns to work from a disability leave.

This form is usually based on a physical demand analysis. In specific cases, it may also include cognitive and psychological assessments. Although these are less frequent, they can help identify any physical, psychological, or social issues that could prevent the employee's timely return to work.⁵ [Appendix A.4](#) provides an example of a functional capacity assessment form.

STEP 3. DEVELOPING A RETURN TO WORK PLAN

Not every employee who returns to work after a disability leave requires a complex RTW plan. Often, an employee will have minimal requirements for accommodation that can be easily met by the employer and can be documented in a very simple individual accommodation plan. When an RTW process is more complex, a more detailed document—one that describes the series of steps that will be taken so that the employee can return to the workplace—can be created and included in the individual accommodation plan. See [Appendix A.12](#) for a sample return to work plan.

Consider including two categories of activity in the plan—accommodation and service coordination:

- ♦ Accommodation involves steps that modify the workplace so that it better fits the physical, intellectual, or psychosocial capabilities of the employee returning to work. It might include the use of specialized equipment and assistive devices, or modifications to job tasks. For more information on accommodations, see [Chapter 4](#).

5 *Ibid.*, 57.

- ◆ Service coordination includes identifying and providing services that will assist the employee in his return to work. Examples include referring him to a support group, or providing an employee who has encountered financial problems because of his disability with information about financial counselling and support services within the community.⁶

Ideally, the RTW plan is developed collaboratively by the employee returning to work and the RTW coordinator or manager. Without the employee's full participation and agreement, a successful return to work can be compromised. Through communication with the various stakeholders, the RTW coordinator can identify the workplace resources and services that are required for the employee to return to work in a timely and sustainable manner.

Planning meetings can involve:

- ◆ the worker
- ◆ the RTW coordinator
- ◆ the union representative (if applicable)
- ◆ the insurance provider's representative
- ◆ other stakeholders⁷

As an employee with a mental health disability stated:

When I went on stress leave, it felt like a really disjointed experience because it was just not well organized When everyone is talking and on the same page, then things are easier. And when people come together, the more ideas tend to be generated about what can be done or what strategies can be used.

If an employee's medical details need to be discussed at the planning meetings, the worker must first give informed consent. The RTW coordinator must ensure that the employee's personal information remains confidential.

STEP 4. MONITORING AND EVALUATING THE RETURN TO WORK PROCESS

When an employee returns to work, the RTW coordinator and the manager should monitor her progress carefully. In her enthusiasm at being back at work, a returning employee can often push herself too hard. An employee must feel comfortable discussing any challenges she encounters on the job with the RTW coordinator and the doctor so that the work plan can be modified if there is a risk of relapse or injury.⁸ In some situations, once the employee is back in the workplace, it may become evident that she is not ready to return to work and will have to go back on leave. The RTW process should offer enough flexibility for this possible outcome.

Once the return to work has been completed, the employee, the RTW coordinator, and the other stakeholders should meet to discuss the outcome of the process. Success will be defined and experienced differently for each employee. It may mean that he has returned to all pre-leave duties or that he is now able to carry out all of the duties of a new position.

During this step, it is also useful to assess the employee's experience during the RTW process and to identify any problems she encountered. This allows the RTW coordinator to refine and modify the RTW process to ensure that it effectively supports the employee who has been on leave. Generally, an individual's return to work is considered durable after a six-month period.⁹

See the Business Profile box "[Returning to an Inclusive Work Environment at KPMG](#)" for an example of how a large organization has supported its employees who have returned to work from a disability leave.

6 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 68.

7 *Ibid.*, 69.

8 *Ibid.*, 79.

9 *Ibid.*, 80.

TIPS AND GOOD PRACTICES FOR RETURN TO WORK PROCESSES

MAKING IT EASY FOR EMPLOYEES TO RETURN TO WORK

One way to simplify the implementation of an RTW process for a disability-related leave is to take advantage of any existing RTW process for occupational injury and illness. Here are six practices an organization can follow to support a solid and effective RTW process:

- ◆ securing senior management support;
- ◆ identifying a coordinator;
- ◆ completing a profile of the workplace;
- ◆ performing a job task analysis;
- ◆ identifying RTW options;
- ◆ providing educational sessions to employees and managers.

Securing Senior Management Support

Leadership from the top is essential. Without visible support, the implementation of any workplace initiative is challenging. In unionized environments, it is also helpful to have the support of senior union representatives. To demonstrate their support for an RTW program, senior leaders can:

- ◆ ensure that sufficient resources (both human and budgetary) are allocated to the program;
- ◆ provide workplace accommodations to remove potential barriers to an employee's return to work;
- ◆ provide assistance to the program development team, as needed;
- ◆ show visible support for employees returning to work from a disability leave.¹⁰

Identifying a Coordinator

The RTW coordinator is the main contact for all key stakeholders during an employee's return to work after a disability leave. (See box "Roles and Responsibilities of Key Stakeholders During the

RTW Process.") This responsibility can be assigned to an existing employee or a new position can be created. The coordinator should be someone who:

- ◆ is objective and qualified (through training) to carry out the duties of the position;
- ◆ has the respect of senior leaders, front-line managers, and union representatives.

Completing a Profile of the Workplace

An analysis of the workplace can help an employer understand past RTW and disability management practices. This analysis can include:

- ◆ the organization's past approach to returning employees to work after a disability leave;
- ◆ the types of supportive practices and programs currently in place to assist employees returning to work after a disability leave;
- ◆ disability statistics including, among other factors:
 - the annual number of disability leaves and the number of employees involved,
 - the nature of the disability leaves,
 - the number of workdays lost due to disability,
 - the number of short-term or long-term disability leaves filed.¹¹

Then, based on the findings of the workplace analysis, the employer or appointed RTW coordinator can determine the types of work duties that will most likely need to be accommodated. In addition, this information can be used to implement prevention measures and establish a baseline for measuring the RTW program's success.

Performing a Job Task Analysis

A complete organizational job task analysis involves the collection of detailed information on all jobs within the organization. This allows the employer to build a job inventory and compare job requirements with the capabilities of an employee returning to work from a disability leave. This information is critical when developing an

¹⁰ New Brunswick Workplace Health, Safety and Compensation Commission, *Workplace Disability Management*, 6.

¹¹ *Ibid.*, 7.

Roles and Responsibilities of Key Stakeholders During the RTW Process

Many individuals are involved in developing and implementing an RTW plan. The roles and responsibilities of some of these key stakeholders are listed below. Once again, these are not specific requirements under the Employment Standard, but suggestions to help employers support an employee through the RTW process.

THE EMPLOYEE

The employee returning to work after a disability leave should be an active participant in the development of the RTW plan. The employee can:

- ◆ report the need for a disability leave as soon as possible, to obtain assistance and start the RTW process;
- ◆ contribute to the development of the RTW plan;
- ◆ follow the recommendations of the health care providers;
- ◆ take personal responsibility for maintaining his physical and mental health;
- ◆ advise the RTW coordinator and manager immediately if he encounters challenges during the RTW process.¹

THE RTW COORDINATOR

The RTW coordinator is the main contact person for all stakeholders during the RTW process. During the process, the RTW coordinator can:

- ◆ assist the employee on leave in applying for benefits or obtaining medical assistance;
- ◆ collaborate with the employee to develop the RTW plan;
- ◆ liaise with managers, the employee's colleagues, union representatives, and health care providers to ensure that the employee is supported during the RTW process.

As well, the RTW coordinator can:

- ◆ assist senior leaders to draft the organization's RTW policies and procedures;
- ◆ monitor and evaluate the RTW program.²

THE MANAGER

The relationship between the returning employee and the front-line manager is critical in ensuring that the RTW process is successful. An employee who returns to work after a disability leave must feel comfortable discussing any challenges she encounters on the job with her manager so that the work plan can be modified if and as needed, especially if there is a risk of relapse or injury. The manager must create a relationship based on trust and respect. During the RTW process, a manager should:

- ◆ monitor to ensure that work practices are safe for the employee who is returning to work;
- ◆ help the RTW coordinator identify work options or accommodations that might assist the employee;
- ◆ work with the RTW coordinator to analyze the overall demands of each job task.³

THE HEALTH CARE PROVIDER

Supportive health care providers can be essential to an employee's successful return to work. They can:

- ◆ discuss the job description with the employee to explore RTW options;
- ◆ complete the functional capacity assessment forms thoroughly, identifying job demands that might cause an employee to relapse or get reinjured;
- ◆ suggest modifications to tasks or accommodations that could lessen strain on the employee.⁴

THE UNION REPRESENTATIVE

The union representative is an advocate for the employee in the workplace. He can:

- ◆ provide visible support for the program;
- ◆ help identify RTW job options;
- ◆ support the employee during the RTW process.⁵

1 National Institute of Disability Management and Research, *Code of Practice*, 20.

2 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 42.

3 National Institute of Disability Management and Research, *Code of Practice*, 21.

4 *Ibid.*, 22.

5 *Ibid.*, 21.

RTW plan for an employee. [Appendix A.10](#) presents an example of a job task analysis form. These forms allow for the systematic and organized collection of information on individual jobs, including:

- ◆ essential job functions
- ◆ work hours and schedule
- ◆ equipment used to do the job
- ◆ environmental conditions to which employees are exposed
- ◆ duration and frequency of tasks

- ◆ modifications or accommodations available for the task¹²

Any individual with basic training in job task analysis (e.g., the RTW coordinator) can undertake this step. However, when more comprehensive information is required, such as during a complex RTW situation, a more formal analysis may be carried out by a qualified

12 *Ibid.*, 8–9.

professional (e.g., occupational health nurse or occupational therapist). It is important, however, for employees to participate in their own job task analysis, since they are the most knowledgeable about their own positions and capabilities.

Job task analyses and workplace profiles, as well as other documents, should, as a best practice, be kept by human resources, which can play a coordinating role in the RTW process. These files should be kept separate from an employee's HR file.

Identifying RTW Options

The primary goal, if possible, is to return the employee to the position she held prior to the disability leave. At a minimum, the duties assigned should be productive and meaningful, and should emphasize capabilities—not limitations.

The job task analysis can be used to identify suitable job accommodations, if they are required. These can include:

- ♦ modified work hours or schedule
- ♦ assistive devices
- ♦ job modifications

The RTW options offered to the employee should be prioritized, beginning with the options that:

- ♦ pose minimal RTW barriers
- ♦ require the least adjustment by the employee
- ♦ require the fewest employer interventions¹³

For a summary of the potential RTW options, see box “Return to Work Options.”

Providing Educational Sessions to Employees and Managers

To ensure that employees and their managers are aware of the help they can get in an RTW situation, employers can provide education on the RTW program. Employers can create information packages and sessions that include:

- ♦ the benefits of the RTW program;
- ♦ the roles and responsibilities of all stakeholders, including the employee and the manager, during the RTW process. See box “Roles and Responsibilities of Key Stakeholders During the RTW Process.”
- ♦ an overview of the supportive practices and programs in place for employees returning to work;
- ♦ the name of and contact information for the RTW coordinator;
- ♦ the actual RTW process.¹⁴

Employees feel more secure when they know that a process has been put in place to support them when they are ill or injured. One employee with a mental health disability said she felt stressed during her return to work:

[My employer] ... seemed to wing it. I got a feeling that I was the only person in the world that ever had this problem and that they didn't know how to deal with me. I didn't get a sense from them that they had experience and that they knew how to take care of the matter ... they were just making up the rules as they were going so there wasn't a clear path.

The educational packages and sessions inform employees and managers that a clear path does exist during the RTW process.

13 National Institute of Disability Management and Research, *Disability Management in the Workplace*, 70.

14 New Brunswick Workplace Health, Safety and Compensation Commission, *Workplace Disability Management*, 11.

Return to Work Options

An employee returning to work after a disability leave may not require any accommodation. In this situation, he would return to work for the same employer, in the same position—full duties, full hours.

An employee who has temporary restrictions may return to work for:

- ◆ the same employer, in the same position—including transitional RTW options (e.g., gradual hours, temporary job modifications, or temporary use of assistive devices);
- ◆ the same employer, temporarily in a different position—full duties, full hours;

- ◆ the same employer, in a different position—including transitional RTW options.

If the employee returning from a disability leave has a permanent work restriction, the following RTW options may be considered:

- ◆ the same employer, in the same position—including permanent accommodations;
- ◆ the same employer, in a different position—including permanent accommodations and retraining.

Source: New Brunswick Workplace Health, Safety and Compensation Commission, *Workplace Disability Management*, 11.

TIPS FOR SMALL BUSINESS



About Return to Work Requirements

Under the Ontario *Human Rights Code*, all employers are required to accommodate the needs of employees with disabilities who are returning to work, up to the point of undue hardship. Under the Employment Standard, however, small employers (those with fewer than 50 employees) are not required to develop and document the RTW process for employees who have been on a disability-related leave. Nor are they required to document individuals' RTW plans.

Nevertheless, small employers who would like to promote the successful return to work of employees returning from a disability-related leave may want to establish a more formal process. The RTW process will also depend on whether the employees receive short-term or long-term disability insurance.

In small organizations where employees receive disability leave insurance, the

benefits provider can assign a nurse case manager as the RTW coordinator. In this situation, the nurse case manager supports the employee through the process and deals with the health care provider. The small business owner or manager can keep in contact with the employee on leave, mostly to show an ongoing interest in the employee's health.

In small organizations that do not offer disability leave insurance to their employees, the business owner or manager can collaborate directly with the employee and the health care provider to ensure that the employee returns to work in a timely and safe manner. This can sometimes cause tension during the discussions, since the health care provider acts as the employee's advocate and may feel uncomfortable disclosing any medical information. However, the employer needs enough information about the

employee's functional abilities (without knowing the diagnosis) to put the appropriate accommodations in place.

To try to make the process as smooth as possible, the employer can supply the employee with a detailed functional capacity assessment form that can be completed by the health care provider. See [Appendix A.4](#) for a sample form.

Once an RTW process has been developed and the employee has returned to work, the employee and the direct supervisor should:

- ◆ monitor and review the process regularly;
- ◆ identify any unsafe workplace situations or challenges encountered by the returning employee;
- ◆ bring these challenges to the attention of the nurse case manager or the health care provider so the RTW process can be modified.



BUSINESS PROFILE

Returning to Work After a Disability Leave: The Employee Experience at Cohen Highley

Established in 1974, Cohen Highley is a law firm that provides litigation and legal services to its clients throughout Ontario, from its head offices in London and Sarnia.¹ The leaders and staff at Cohen Highley believe that accessibility allows individuals to reach their full potential.² The organization is determined to overcome workplace barriers in order to attract the most talented and engaged workforce and to allow employees to reach their full potential.³ One area in which the law firm demonstrates this value is during an employee's return to work from a disability leave.

THE RETURN TO WORK PROCESS AT COHEN HIGHLEY

Cohen Highley⁴ provides disability leave benefits to all of its employees. When an employee requires an extended leave from work due to a disability, the organization's benefits provider coordinates the employee's leave of absence and return to work. The benefits provider collaborates with the employee's health care provider to ensure a timely and safe return to work.

If an employee takes a short illness- or disability-related leave not covered by the short-term or long-term disability insurance, the human resources manager ensures that the employee is accommodated, if required, when he returns to work. Rather than following a formalized process, the HR manager talks with the employee and together they determine whether an accommodation is required. This can include modified hours, working from home, or assistive equipment.

For example, an employee required knee surgery and was unable to be at the workplace for several weeks after the procedure. The employee and the HR manager implemented a plan where the employee initially worked from home on modified hours. When she physically returned to work, other colleagues helped with job duties that required walking (e.g., colleagues picked up her photocopying). Very few accommodation measures were required for the employee to return to work safely, and those required were not costly. Yet, because the law firm managers accommodated her needs, the employee was able to return to work quickly and meet the demands of a professional litigation practice.

ADVICE FOR OTHERS

According to Laura McKeen, an associate lawyer at Cohen Highley, addressing issues of disability, accommodation, and return to work can raise "red flags" for employers. There is a perception that accommodation will be costly and disruptive for staff and clients, as well as concerns about liability due to a failure by the employer to respond appropriately. This can lead to employers trying to avoid even discussing the options.

McKeen believes, however, that employers need to frame the issues differently: to move from seeing accommodation as disruptive, to seeing it as a way to keep talented employees productive. All employers want their employees to reach their full potential and to offer their best service to the organization's customers or clients. Accommodating an employee's return to work is simply another way of ensuring that he will be able to do his best at work, including maintaining "seamless" service to high-demand clients. The focus should always be on hiring talented individuals. Every successful organization knows that its employees are the reason for its success. When employees are performing professionally, clients receive the best possible service.

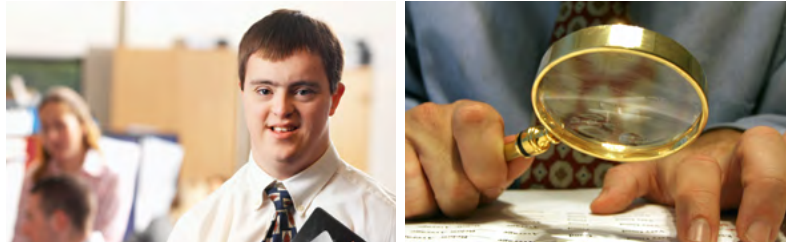
1 Cohen Highley, *The Firm*.

2 Cohen Highley, *Cohen Highley LLP's Commitment*.

3 Ibid.

4 All information about Cohen Highley's return to work process is from Laura M. McKeen (Associate Lawyer and AODA Compliance Officer). Interview by Jane Vellone and Louise Chénier. April 5, 2012.

BUSINESS PROFILE



Returning to an Inclusive Work Environment at KPMG

KPMG LLP is a Canadian affiliate of KPMG International, a global network of professional firms providing audit, tax, and advisory services. Member firms operate in 152 countries, with over 145,000 professionals working around the world.¹ At KPMG, senior management recognize that the success of the organization depends on how it nurtures talent and provides an environment where people can thrive in both a personal and professional manner.²

Senior leaders value the diversity of their workforce and believe that this diversity makes the organization stronger and more vibrant, innovative, and responsive to its clients' needs. Employees are hired and promoted based on their professional capabilities, knowledge, and ideas. It is their belief that, whatever their diverse backgrounds, employees can be successful at KPMG.³

THE RETURN TO WORK PROCESS AT KPMG

This concern for employees' welfare is very evident when an employee returns to work from a disability-related leave.⁴ As part of its short-term disability program and long-term disability leaves, KPMG has implemented a gradual return to work program/process administered by its disability benefits provider.

Supporting Treatment and Rehabilitation

The RTW process is initiated when the benefits provider assigns a nurse case manager to an employee on disability leave. The nurse case manager coordinates the process,

works with the employee and the health care provider, and ensures that any problems encountered during rehabilitation and treatment are resolved.

Making and Maintaining Contact With the Employee on Leave

During the RTW process, the nurse case manager communicates with the employee when required. Every employee on a disability leave is also assigned a KPMG employee relations services (ERS) advisor who is responsible for keeping in touch with the employee, providing health status updates to the employee's manager, and liaising with both the employee and the manager on the approved RTW plan. The ERS advisor also helps resolve any workplace issues, such as a need for physical or job modifications prior to an employee returning to work. Contact with the employee is based on the employee's preferences, availability, and/or needs—the employee is not contacted daily, as the focus of leave is on recovery.

In some circumstances, the manager or team members also get in touch with an employee on disability leave. This depends on the group and on the nature of the leave. The goal is to maintain social contact and make sure that the employee still feels like part of the team. Once again, this is based on the employee's preferences and needs. It is done only if the employee on leave wishes to maintain contact and when it is not contrary to the health care provider's recommendations.

Evaluating the Employee's Functional Capacity and Developing the Return to Work Plan

The nurse case manager collaborates with the employee and the treating physician or specialist to develop the graduated RTW plan, addressing the employee's limitations and functional restrictions. KPMG's benefits provider keeps all medical documentation related to the disability leave, maintaining the employee's confidentiality and privacy. Once the graduated RTW plan has been developed, the information is shared with KPMG. The plan includes the type of accommodations required during the

(continued ...)

- 1 KPMG, *Who We Are*.
- 2 KPMG, *Our Culture*.
- 3 KPMG, *Diversity, Equity, and Inclusion*.
- 4 All information about KPMG's return to work program is from Melanie Kerr (Senior Manager, HR Services), Christine Taveres (Senior Accountant), and Aneesa Bacchus (CHRP, Talent Attraction Manager). Interviews by Jane Vellone. March 29, 2012.

BUSINESS PROFILE (cont'd)**Returning to an Inclusive Work Environment at KPMG**

RTW period (e.g., gradual schedule, restrictions or limitations, and assistive equipment). It also provides the employee with required administrative information (e.g., special time codes or information about how the RTW period will impact pay).

The ERS advisor supports the employee's direct manager through the RTW process. The advisor provides the manager with:

- ◆ advance notice of the RTW process details;
- ◆ the opportunity to provide feedback on the proposed schedule and accommodations;
- ◆ additional assistance so that the team is not negatively impacted by the plan.

The manager is also reminded that the employee is not to work overtime and that the ERS advisor needs to be told about any issues that arise during the employee's return to work.

Monitoring and Evaluating the Return to Work Process

Once the employee has returned to work, the ERS advisor periodically checks in with the manager to ensure that the process is successful. The employee is reminded to contact either the

ERS advisor or the nurse case manager immediately if there are any challenges. If the employee does encounter challenges, changes to the RTW process are made collaboratively: the employee, the treating physician or specialist, and the nurse case manager work together to identify solutions and modify the plan—occasionally, this may require the reinitiation of the disability leave. The ERS advisor shares the modified plan with the manager.

Senior leaders at KPMG are very pleased with the success rate of their RTW program. In total, 98 per cent of their RTW processes are successful. They have also assisted individuals who have been on prolonged leave to return to work successfully. The remaining 2 per cent of employees returning from disability leave often require only additional transition time for their return to work, or to go back on medical leave temporarily, with continued support. Finally, KPMG's RTW program has also had a significant impact on employee morale, since employees are aware that the organization will support them and accommodate their needs if they require a medical leave.

Retention

Accessibility Standard for Employment Requirements Related to Retention

SECTION 30

Employers that use performance management should take into account the accessibility needs of their employees with disabilities.

> [See page 46](#)

SECTION 31

Employers that provide career development and advancement opportunities should take into account the accessibility needs of their employees who have disabilities.

> [See page 48](#)

SECTION 32

Employers that use redeployment should consider the accessibility needs of their employees with disabilities.

> [See page 49](#)

Best practice organizations actively encourage employees to stay with them by providing guidance on current performance as well as opportunities for development. An individual with a disability, like any other employee, requires both performance management and career development opportunities to grow and feel valued as a contributing member of an organization.

The Accessibility Standard for Employment (Employment Standard) requires employers to ensure that their performance management and career development, either formal or informal, take into account the accessibility needs of employees with disabilities—but only if the employers use such processes already. This chapter outlines the requirements related to managing and developing employees. It offers tips, good practice examples, and case studies that will help organizations develop and maintain performance management and career development processes that are bias-free, inclusive, and accessible.

PERFORMANCE MANAGEMENT

REQUIREMENT: SECTION 30

(1) An employer that uses performance management in respect of its employees shall take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using its performance management process in respect of employees with disabilities.

(2) In this section, “performance management” means activities related to assessing and improving employee performance, productivity, and effectiveness, with the goal of facilitating employee success.

Source: [O. Reg. 191/11, s. 30.](#)

MEETING THE REQUIREMENT

Employers, under the Employment Standard, must review and consider individual accommodation plans or accessibility needs when managing employee performance. If an employer does not engage in performance management, whether formally or informally, then this requirement does not mandate that such a process must be instituted.

Companies that do engage in performance management will find it helpful to review the Accessible Interviewing Checklist in [Appendix A.1](#) to determine whether the format and location of the performance management meeting are accessible. The individual employee's accommodation plan should also be reviewed prior to a performance management session, to ensure that all relevant accommodations are implemented in the session and taken into account in the assessment and discussion.

TIPS AND GOOD PRACTICES FOR MANAGING PERFORMANCE

As a good practice, employers should also be aware of potential barriers and biases in their approach when assessing the performance of a person with a disability.

DIFFERENTIATING BETWEEN DISABILITY-RELATED AND PERFORMANCE-RELATED ISSUES

When assessing the performance of an employee with a disability, a common area of confusion is differentiating between performance-related issues and disability-related issues. For example, an individual with a developmental or intellectual disability may take longer to complete a task (a disability-related issue), but may also be consistently arriving late at work due to sleeping in (a performance-related issue).

The employer should consult with the employee to try to determine whether the challenge is a performance- or disability-related issue. In the example above, arriving late at work may also be disability-related if she is unable to access transportation schedules to determine how to arrive at work on time.

An employment lawyer suggests that employers ask employees soon after being hired if they require any accommodations to meet workplace standards.¹ One employee with vision loss had a position as a computer salesperson. As he could not see well enough to operate the cash register, other employees were completing this task for him. By consulting with the employee, the employer determined that another employee had been entering his own employee identification number on sales made by the individual with vision loss. If the issue had not been discussed with the employee, he may have been inappropriately reprimanded for low sales.

Some employers may be uncomfortable about addressing a performance issue with an employee with a disability. But it is important for them to discuss performance-related issues with all employees. People with disabilities have sometimes been “protected” from helpful feedback and constructive criticism. The result is that they have fewer opportunities to correct their behaviour and to learn on the job.

1 Barran, “Commentary: Disabled Workers Not Exempt.”

There are resources available that employers can use to navigate the sometimes subtle distinction between performance- and disability-related issues. For instance, a treating physician or therapist may be able to describe an employee's limitations and capabilities in the work environment based on the employee's disability. The physician or therapist is under no obligation to disclose the nature of the employee's disability, but may be able to provide input into which limitations may affect her job performance.²

Functional capacity or psycho-vocational assessments are also useful in providing a more comprehensive picture. (See [Appendix A.4](#).) There are fees associated with these assessments, but they provide a clear diagnosis, an accurate assessment of the level of disability in relation to normal job requirements, and suggestions about accommodations or precautions. For individuals with temporary disabilities, these assessments can also provide recommendations for treatment and a prognosis for full return to work.³

AWARENESS OF MANAGERS' OPINIONS AND ATTITUDES

Employers have to be wary of the possibility that a manager's opinions or attitudes may be influencing the performance assessment of an employee with a disability or that the manager may be making assumptions about a person's ability to perform a task. For example, a manager may feel that an individual with a disability is not suited to the position for which he was hired. As a result, the manager may not make an effort to provide the employee with a disability with the same level of guidance and training provided to other employees.

The result may be that the employee is unsuccessful in the job, not due to his inability to perform the job but because he was inadequately trained.

A manager should set clear performance objectives around timing, quality, and priorities to avoid unconscious bias. Clarity will minimize stress for both the

employee and the manager, and will help identify specific barriers. Smaller organizations, which may not use performance management processes, can refer to the box "[Making Goals SMART](#)" for a simple framework they can use to set up and evaluate goals for employees.

Making Goals SMART

Some goals are easier to achieve than are others. If an organization does not clearly identify its expectations, its employees will not know what to do. When setting goals for employees, an organization should make its goals SMART (Specific, Measurable, Attainable, Relevant, and Time-limited):

Specific—Goals must be as specific as possible and must clearly describe the expected behaviours. For example, the goal "I want you to be friendlier to customers," is vague and open to interpretation. A specific goal, such as "I want you to smile and say hello to every customer who walks through the door," provides the employee with an example of what "friendly" means to the owner or manager.

Measurable—An employer should consider how success will be measured when crafting goals for employees. In the above example, the manager cannot determine whether the employee has smiled at and said hello to every customer unless she is always watching. In this case, the manager may want to set a goal that the employee must receive one positive commendation from a customer each month.

Attainable—Goals should be realistically attainable. Asking an employee to change the attitudes of his co-workers is not realistic, as one individual often has very little control over the opinions or attitudes of others. Staff will disengage and become resentful if they think that a goal is impossible to achieve from the beginning.

Relevant—Goals should be relevant to an employee's position and future development. An employee who works on a manufacturing line should not be asked to improve his customer service interactions if he does not interact with customers.

Time-limited—An employer should set a deadline for achieving the goals, but should consult with the employee to determine a reasonable time frame. If a goal is harder to achieve (e.g., increased sales during a recession), more time should be provided in which to achieve it. The employer should review the goal at the deadline to determine whether it has been achieved. An extension may be warranted if external factors have interfered with the employee's ability to achieve the goal.

2 Veiga and others, "Toward Greater Understanding," 83.

3 Workplace Safety and Insurance Board, *Best Approaches*, 4.

CAREER DEVELOPMENT AND ADVANCEMENT

REQUIREMENT: SECTION 31

(1) An employer that provides career development and advancement to its employees shall take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans, when providing career development and advancement to its employees with disabilities.

(2) In this section, “career development and advancement” includes providing additional responsibilities within an employee’s current position and the movement of an employee from one job to another in an organization that may be higher in pay, provide greater responsibility, or be at a higher level in the organization or any combination of them and, for both additional responsibilities and employee movement, is usually based on merit or seniority, or a combination of them.

Source: [O. Reg. 191/11, s. 31](#).

MEETING THE REQUIREMENT

The Employment Standard requires that employers review individual accommodation plans or accessibility needs and provide accessible career development and advancement opportunities for employees with disabilities, if the employers offer career development and advancement processes to employees in general.

TIPS AND GOOD PRACTICES FOR CAREER DEVELOPMENT AND ADVANCEMENT

Financial, human, and knowledge resources are lost when an employee decides to leave an organization, so it is a good business practice to provide opportunities for employees to develop and advance within the organization, if there are such opportunities. It is also helpful for employers to be aware of certain barriers and possibilities when building and offering career development and advancement opportunities to people with disabilities.

TALKING TO INDIVIDUAL EMPLOYEES ABOUT ADVANCEMENT OPPORTUNITIES

Managers should be careful not to prejudge or make assumptions about the capacity of any person to learn and grow. The best way to determine whether an employee with a disability wants to change positions or adjust job responsibilities is to talk to him. An employer should never assume that an employee has reached the limit of his capabilities without providing an opportunity for him to try new tasks, if he so desires. This can often mean the difference between successful and unsuccessful employment. Individuals with disabilities who have had success in the job market report that “control” over their life is an important aspect of engagement and fulfilment.⁴

AWARENESS OF MARGINALIZATION

The needs of employees with disabilities are often forgotten when it comes to training and development. People who are marginalized will often disengage and be less effective at their job. As one employee stated:

The tangible workplace aids and supports can be easy. It’s everything else that is individual, that requires customization, and perhaps treading where you have never treaded before in actual workplace experience, that can lead to inadvertent oversight or misinterpretation.

Three methods for promoting inclusion of people with disabilities in development processes are:

- ◆ accessible professional development
- ◆ mentoring
- ◆ employee resource groups

Accessible Professional Development

Training and development programs should take into account the accessibility needs of employees with disabilities by reviewing individual accommodation plans and tailoring programs to meet the needs identified in their plans. In addition, all people—regardless of their abilities—have different learning styles. Using teaching styles and materials that address different modalities (e.g., visual, verbal, and kinesthetic) makes an employer’s training more effective for all its employees.⁵

4 Gerber, Ginsberg, and Reiff, “Identifying Alterable Patterns,” 475.

5 Ketter, “The Hidden Disability,” 34.

Mentoring

This is a low-cost way to integrate employees with disabilities into the workforce more effectively. (See box “Career Benefits of Mentoring.”) A mentor does not need to be an individual with a disability, but rather someone who has enough tenure and experience to give the employee advice about navigating the organization and performing the job. The mentor should not be the manager of the employee as the mentee needs to feel comfortable that conversations are confidential and will not lead to any negative repercussions.

Employee Resource Groups

Employee resource groups (ERGs) offer networking and social support to employees who may experience isolation or marginalization in the workplace. These groups are usually restricted to certain individuals; for example, women or employees with disabilities.

Susanne Bruyère (Director of the Employment and Disability Institute at Cornell University) recommends that employers open up these groups to include “allies” or “supporters” of people with disabilities.⁶ This will offset the reluctance of some employees to disclose to their employer, for one reason or another, that they have a disability. These individuals can then access the network without being labelled. In addition, by opening up the ERG to allies or supporters, networking among all employees is broadened. Employers may discover non-disabled champions whom they were not even aware existed within the organization, especially among individuals who have friends and/or family members with a disability. Finally, it is important that these groups not be simply social groups, but also have a mission to improve the careers and jobs of group members.

> Tell us how we’re doing—rate this publication.

www.conferenceboard.ca/e-Library/abstract.aspx?did=5258

6 Bruyère, “On the Job.”

Career Benefits of Mentoring

Mentoring provides benefits for all employees, not just those with disabilities. Specific advantages that employees with mentors enjoy include:

- ◆ higher compensation;
- ◆ more promotions;
- ◆ more satisfaction with their careers;
- ◆ more likely to believe that they will advance in their careers;
- ◆ more satisfaction with their current job;
- ◆ greater intentions to stay with their current organization.

Source: Allen and others, “Career Benefits Associated With Mentoring,” 130–32.

REDEPLOYMENT

REQUIREMENT: SECTION 32

(1) An employer that uses redeployment shall take into account the accessibility needs of its employees with disabilities, as well as individual accommodation plans, when redeploying employees with disabilities.

(2) In this section, “redeployment” means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

Source: O. Reg. 191/11, s. 32.

MEETING THE REQUIREMENT

To meet this requirement, an employer can arrange for an employee’s individual accommodation plan or identified accessibility needs to be transferred with the employee upon reassignment. The employer may also want to use the individual accommodation plan to select a new job that would suit the employee with a disability.

When the employee arrives at the new position, the accommodation plan should be reviewed. This is especially important in circumstances where she has had to change location, as physical and workstation accessibility should be reviewed. However, even if the employee stays in the same office and is at the same workstation, her responsibilities have most likely changed. A review of the accommodation plan will ensure that the employee is able to function at full capacity without any delays.

TIPS FOR SMALL BUSINESS



About Retaining Employees

PERFORMANCE MANAGEMENT

Some small organizations may have formal policies in place to manage performance; others may simply use on-the-job coaching to enhance performance. For example, if an employee says something inappropriate to a customer, an owner/manager may pull him aside later and describe what is and is not appropriate to say in such a situation.

When intervening in a poor performance situation, an employer should first consider what effects the employee's disability might have had on performance. If it is difficult to determine the impact of the disability, the first step to take is to *consult* with the employee to find out whether his disability is a factor. If the situation is still unclear, the employer can ask the employee for a note from the treating physician or therapist describing the limitations that the employee experiences because of his disability.

Employers can set clear performance goals in consultation with employees so that there is an impartial standard by which to judge performance, rather than simply using observations of capabilities. See the box “*Making Goals SMART,*” earlier in this chapter, for tips on setting clear performance goals.

DEVELOPING EMPLOYEES

Small organizations may not be able to offer the same opportunities for advancement as can large organizations that have many levels and positions. Nevertheless, people naturally want to grow and develop. Small businesses should consider what they can do to develop all their employees, including those with disabilities. Some examples are:

- ◆ Employers can train employees with disabilities in positions different from their own usual position. This will also have the added benefit of having someone available to fill a position on short notice.
- ◆ Employers should never assume that employees with disabilities are content with simply having a job. Instead, they should consult with them to determine their career goals.
- ◆ When sending employees to outside training events, employers should ask the training providers how they make their training accessible to people with disabilities. Employers may need to provide accommodation suggestions if the training providers are unfamiliar with making appropriate accommodations, or may need to consider using another training provider.
- ◆ When arranging social events or group outings, employers may need to carefully consider whether employees with disabilities can access these events. For example, if there is a staff dinner event, an employer should make sure that the restaurant is accessible to all employees (e.g., ramp access or alternative food options).



BUSINESS PROFILE

Integrating Accessibility Into the Work Environment at Dolphin Digital Technologies

Dolphin Digital Technologies is a company that designs, develops, and supports computer networks. It has integrated accessibility into every aspect of its business model in order to develop and retain quality employees. This focus on accessibility did not happen by accident: it was a key priority in the initial shaping of the organization.¹ The founders of the organization recognized a need in their community to employ more people with disabilities and also recognized that their business was conducted in a virtual environment. They saw an opportunity to meet this community need and also access a group that is under-represented in the workforce. As a result of this careful planning, Dolphin Digital Technologies has had an amazing 100 per cent retention rate since its founding in 2006.

The company's innovative business model is based on a virtual office environment that offers many unique work options. For example, employees can log in from anywhere in the world, or use specially designed work modules where one person can work for two hours on a particular project, and then the next person can log in and pick up where the previous employee left off.

PERFORMANCE MANAGEMENT

The organization's commitment to thoughtful design extends to performance management systems and processes. Employee reviews are well-rounded and take into account different aspects of the job.

A major component of performance management is client reviews. At the end of every online interaction with a customer, a comment screen pops up, allowing the client to comment

on her experience with that employee. These comments are reviewed with the staff member so he can also see the results first-hand. If a specific issue comes up, it is addressed immediately so the staff member receives immediate feedback. No staff member is treated differently in this process—all are held to Dolphin Digital Technologies' standards of customer service.

LEARNING AND DEVELOPMENT

Staff development is also a major focus of the company. Some employees have already moved up to new positions in the company, which requires skills evaluation as well as training. As Vice-President Jamie Burton reports: "There is absolutely no reason in the world why you would want people working for you that weren't happy and weren't developing their own skills because not only is that how they develop as a person but it is also how your company develops."

Dolphin Digital Technologies provides all employees with access to a virtual library, which they can use at any time. Employees are encouraged to learn new skills—which are always needed because of the rapid pace of change in technology—but are allowed to do so at their own pace. There is also an immediate feedback/learning loop built into everyday processes. If an employee encounters a situation that she cannot solve, she can immediately relay the question to a senior technical service representative or the chief engineer, who will provide advice and a solution. In addition, the company is investing in Microsoft certification for all of its employees; a costly and high-demand professional certification that will make its employees better able to do their jobs and more competitive in the job market should they leave. So far, though, employees have been extremely satisfied with their experiences at Dolphin Digital Technologies—as its 100 per cent retention rate demonstrates.

¹ All information about Dolphin Digital Technologies is from Jamie Burton (Vice-President, Corporate Development). Interview by Jane Vellone and Louise Chénier. March 1, 2012.



BUSINESS PROFILE

Ontario Public Service: Leading the Way Forward

The Ontario Public Service (OPS) views the adoption of the Employment Standard under the Integrated Accessibility Standards Regulation (IASR) as an opportunity to be a role model to other organizations.¹ OPS employs over 60,000 people and serves over 13 million Ontarians.

To enable changes and promote accessibility on this large a scale, a coordinated and strategic approach is required. To this end, OPS has developed and released a multi-year accessibility plan entitled *Accessibility in the Ontario Public Service: Leading the Way Forward*. The plan outlines OPS's vision to be an accessible organization and also describes how it will achieve compliance with the IASR. The plan is available in accessible formats and on the Internet.

COMMITMENT TO ACCESSIBILITY

As the first organization in Ontario to comply with the IASR, OPS is leading and modelling best practices for organizations throughout the province. The OPS commitment states: "The OPS endeavours to demonstrate leadership for accessibility in Ontario. Our goal is to ensure accessibility for our employees and the public we serve in our services, products and facilities."

UNDERSTANDING BARRIERS TO ACCESSIBILITY

OPS gathers information on the needs of its workforce in a variety of ways, including:

- ◆ conducting employee surveys (in 2009 and 2011) that have had an over 60 per cent response rate to questions, including how staff perceive the OPS and its human resources and accommodation practices;
- ◆ establishing a Disability Advisory Council, made up of people with disabilities and experts in disability and accessibility, to provide OPS with practical advice on accessibility issues in the OPS;

- ◆ having an "accessibility lead" in each ministry to coordinate compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA), identify potential barriers, and develop local action plans to fit this unique workplace environment;
- ◆ learning from the experiences of interns with disabilities about specific barriers they have encountered during their internship and how these barriers might be overcome;
- ◆ implementing and learning from the annual accessibility plans that each ministry develops to meet the AODA requirements.

COORDINATION AND COMMITMENT

The OPS Diversity Office, guided by the Chief Officer for Diversity and Accessibility in the OPS, provides coordination, vision, and leadership to achieve organization-wide accessibility and inclusion. The Diversity Office has also released the multi-year accessibility plan—*Accessibility in the Ontario Public Service*—mentioned at the beginning of this profile.

OPS has also established strong governance and accountability mechanisms to champion and promote accessibility. These include:

- ◆ the Accessibility Leadership Council, a senior executive team providing strategic advice and helping ensure that OPS is compliant with accessibility legislation;
- ◆ the accessibility lead within each ministry, acting as part of a group championing the OPS multi-year accessibility plans and providing hands-on assistance to guide ministries in their annual accessibility planning and implementation.

MANAGER TRAINING AND AWARENESS

Aiming to be an employer of choice that enables and encourages people with disabilities to participate fully in all aspects of its workforce, OPS has mandatory and voluntary courses and resources for managers. For example, since 2002 managers have been required to complete an online course called *Maximizing the Contributions of Employees with Disabilities*.

¹ All information about the Ontario Public Service is from Tracy Odell (Director, Accessibility Program Design and Delivery, Diversity Office), Martha Ricker (Director, West Regional HR Services, HR Ontario), and Matthew Rempel (Special Advisor to the Chief Officer for Diversity and Accessibility OPS). Interview by Jane Vellone. April 27, 2012.

(continued ...)

BUSINESS PROFILE (cont'd)

Ontario Public Service: Leading the Way Forward

The OPS Employment Accommodation and Return to Work Operating Policy, developed by HR Policy and Planning Branch in 2007, was launched along with many helpful resources. These include process steps, templates, guides, and access to expert human resources professionals who provide information and support for complex workplace accommodation arrangements.

Other training resources include a *Managers' Guide to Removing Barriers from the Recruitment Process*; a *Managers' Guide to Writing Barrier-Free Employment Ads in the OPS*; a *Barrier-Free Interview Best Practices Checklist*; and a *Clear Language Job Ad Tip Sheet*. In addition, training in clear language has been provided to recruitment consultants and human resources advisors. Resources from the Ministry of Community and Social Services include a *Manager's Toolkit: Providing Accommodation to Employees with Disabilities*.

STAFF TRAINING AND AWARENESS

All OPS staff have access to a learning portal with a number of courses on accessibility. When training staff, the goal is to demystify accessibility and help employees understand the practical solutions that make a workplace more accessible ... to everyone. In addition to an accessible customer service training course (which has been accessed over 60,000 times) and annual OPS Accessibility Expos, OPS developed a *Mission Possible* video series targeting accessibility topics, including:

- ◆ *A Word About Word: Making Word Documents Accessible and Turning the Page: Making PDF Documents Accessible*;
- ◆ *It's Your Call: Using TTY and the Bell Relay System*;
- ◆ *Your Turn to Lead: Guiding a Person Who Has a Dog Guide or White Cane*;
- ◆ *Interpreters, Intervenors, Attendants, Oh My! Interacting With Someone When a Support Person Is Present*.

Staff may have preconceived notions about the expense and effort of providing accessible solutions or accommodation, but education and awareness can increase everyone's comfort level. Recently, the OPS launched a new awareness initiative titled *Accessibility@Source ... it starts with me!* *Accessibility@Source* aims to make accessibility hands-on and practical in a way that shows all employees how to incorporate accessibility into their daily work. Topics include accessibility in procurement,

accessible electronic documents, and accessible employment practices. This way, all employees can be accountable for accessibility in their work.

ADDITIONAL RESOURCES FOR EMPLOYEES

- ◆ Diversity Office: This office serves as a centre of excellence leading OPS compliance efforts and ensuring that staff have access to the tools and information they need. It provides leading-edge expertise on accessibility for all ministries.
- ◆ Centre for Employee Health, Safety and Wellness: The Centre provides expert advisory services as well as tools to help promote effective, safe, and timely employment accommodation for employees with disabilities and respectful, accessible workplaces free from discrimination and harassment.
- ◆ I&T Accessibility Centre of Excellence: The Centre of Excellence helps OPS staff with complex or technical inquiries on accessibility in information and information technology (I&T). It provides resources such as instructions on how to create accessible documents, advice on accessible website design, and accessible software and hardware, as well as common IT-related accommodations.
- ◆ Ministry of Transportation's Universal Access Centre: Situated at the OPS's St. Catharines location, the Centre has numerous accessible features, including rooms equipped with different types of keyboards and pointing devices; adjustable lighting, desks, and chairs; and a teleprinter (TTY). This facility is designed to be used by all employees, the public, and various stakeholders. Similarly, a Wellness Resource Centre has been established, as a demonstration centre, in the Queen's Park Complex with a range of accessibility features.
- ◆ Quiet Rooms: With more than 15 across the province, these rooms provide staff with a comfortable space to observe quiet moments of contemplation, meditation, or personal prayer during the workday. These rooms contribute to an inclusive and responsive work environment that benefits both the organization and its employees.
- ◆ The OPS policy on preventing barriers in employment is being updated to reinforce OPS's commitment to identifying, preventing, and removing systemic employment barriers on *Human Rights Code* grounds (such as disability, race, and gender identity).

APPENDIX A

Tools and Templates

APPENDIX A.1 Accessible Interviewing Checklist

- Location of the interview**—Can an applicant with a disability access your facilities?
Example: Is your office accessible to an individual who uses a mobility aid (e.g., a walker or wheelchair)? If not, consider having the interview at an alternative location.
- Format of the skills assessment tests**—Are your assessment tests accessible to an applicant with a disability? Do the tests allow a candidate to demonstrate her knowledge and skills?
Example: Are your computerized tests accessible to an individual with vision loss who uses a screen reader? If not, consider switching to vendors that use accessible technology. Does the candidate have reading challenges? Consider conducting an oral test or using text-to-speech software.
- Room set-up for in-person interviews**—Is your interviewing room set up in an accessible fashion?
Example: An individual with hearing loss may require a brightly lit room (in order to lip-read, if necessary) or one that is quiet (to minimize distractions) so she can perform at her best.
- Interviewing timelines**—Can an individual with a disability perform, in the interview, within the timelines expected?
Example: A health issue can sometimes make it difficult for a person with a disability to perform successfully during short, timed interviews, which can involve a considerable amount of stress. Consider stretching out your timelines for individual interviews, extending the time between interview rounds, or providing additional time on skills tests. Also consider the job the individual is applying for. If it is a part-time position, does the interviewing process last longer than a regular shift the individual would work?
- Support**—Can an individual with a disability bring a support person to an interview?
Example: A person with a developmental disability may have support workers or family members who assist her. Consider allowing a support worker/family member to attend the interview, as he may have additional or more detailed information about the candidate's abilities and may ask questions that the applicant has not had a chance to consider.
- Paperwork**—Can the individual fill out any paperwork that is required?
Example: An individual with vision loss or a learning disability may have trouble filling out a written form. Consider having a staff member available to assist the applicant in filling out any required forms.

APPENDIX A.2

Sample Interview Script Guidelines

These guidelines can be given to human resources interviewers, as they prepare to contact applicants for interviews, to help ensure bias-free hiring and compliance with section 23 of the Employment Standard—Recruitment, Selection, or Assessment Process. This section requires an employer to notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request related to the materials and processes used during the assessment/selection process.

These guidelines, however, are meant as a *good practice*. The Employment Standard does not specify the method that employers need to use to fulfill this requirement. The script can also be modified to reflect a specific organization.

BIAS-FREE INTERVIEW SCRIPT GUIDELINES FOR THE INTERVIEWER

As one of our human resources objectives, [company name] will recruit, select, orient, develop, and promote employees based on our strategic direction and our values. We have made a commitment to address barriers in our employment processes and in job areas where we under-represent the full diversity of the skilled workforce. Our bias-free hiring initiative is one strategy we use to ensure an effective and equitable hiring process.

HR has developed these guidelines to support the process of hiring the best and most diverse workforce possible. Please contact your HR consultant if you have any questions or suggestions about the process. In keeping with the principles of our Recruitment and Selection policy, it is important that the designated staff person follow the basic format and intention of the following script when extending the invitation to interview.

1. Thank the candidates for their application, let them know who is calling and which position they are calling about. Ask them if they are still interested in participating in an interview.

Let the candidates know what they can expect from the interview (e.g., duration) and that they can expect a diverse panel that will take turns asking questions. Panellists will ask a series of questions and take notes on the answers. The applicants will have an opportunity to ask questions. Let them know that they can gain some valuable information about [company name] from the organization's website, to prepare for the interview.

2. Ask all candidates if they require any accommodation for the interview (e.g., a scooter or wheelchair accessible space, or a sign-language interpreter). If an interviewee says yes, then ask which kind of accommodation is required. If you do not have enough information on hand to proceed, make note of the request and commit to getting back to the candidate to confirm the specifics of the interview time and location. Contact your HR consultant for support in meeting the request, if required.
3. Arrange the meeting time and location (unless accessibility information is pending).
4. Ensure that the candidates know how to get to the interview room and, if appropriate, suggest that someone can meet them at a specified location (e.g., HR reception or front lobby).
5. Thank the candidates and ask them if they have any questions. Provide contact information in case they have any questions before the interview. Direct the candidates, if required, to [company name]'s website where a map is available of all wheelchair and scooter accessible entrances, parking, washrooms, and meeting rooms.

Source: Adapted by The Conference Board of Canada from Centre for Addiction and Mental Health, "Recruitment and Retention."

APPENDIX A.3

Sample Notification to Successful Applicants

This sample letter can be used by human resources personnel to notify a successful applicant that accommodations are available in the company, in compliance with section 24 of the Employment Standard—Notice to Successful Applicants. In this section, employers are required, when making offers of employment, to notify successful applicants of the organization's policies for accommodating employees with disabilities.

This letter, however, is meant as a *good practice*. The Employment Standard does not specify the method that employers need to use to fulfill this requirement.

Dear _____:

Congratulations! We are pleased to confirm that you have been selected to work as a [name of position] at [company's name]. This offer is contingent upon our receipt of your education transcripts to confirm your degree and [any other contingencies the employer may wish to state]. Your title is [title of position] and you will report to [manager's name and title].

In the role of [title of position], you will be expected to carry out the duties and responsibilities described in the enclosed job description, which is updated periodically. We are offering you a base salary of [salary amount], which will be subject to deductions for taxes and other withholdings as required by law or the policies of the company.

The current standard company health, life, disability, vision, and dental insurance coverages are offered with this agreement per company policy. Your eligibility for other benefits and bonus potential will take place per company policy. As an employee of [company's name], you are eligible to accrue vacation time at [##] hours per pay period. This is equivalent to [##] weeks on an annual basis.

We would like you to start your employment on [start date of employment]. Please report to the human resources department, where you will begin your onboarding process at [time].

***Please note:** [Company's name] has an accommodation process in place and provides accommodations for employees with disabilities. If you require a specific accommodation because of a disability or a medical need, please contact [company representative's name and title] at [telephone number] or by e-mail at [e-mail address] so that arrangements can be made for the appropriate accommodations to be in place before you begin your employment.

Please sign the enclosed copy of this letter and return it to me by [deadline date] to indicate your acceptance of this offer. This employment offer is in effect for five business days.

We are confident you will be able to make a significant contribution to the success of [company's name] and look forward to working with you.

Sincerely,

[Name of person authorized to make job offer]
[Position], [company's name]

I accept the offer as outlined above.

Candidate's name

Candidate's signature

Date

Source: Adapted by The Conference Board of Canada from About.com, "Sample Employment Offer Letter."

APPENDIX A.4

Sample Functional Capacity Assessment Form

This functional capacity assessment form can be used by employers when requesting an evaluation by an outside medical or other expert for non-work-related injuries, illnesses, or disabilities. It can be used to determine whether, and how, an accommodation can be achieved, as described in section 28 (2) of the Employment Standard— Documented Individual Accommodation Plans.

This form could be used as part of a written accommodation process. However, it is meant as a *good practice*. It is not a requirement under the Employment Standard.

It is important to note that, for work-related situations, employers should use the Workplace Safety and Insurance Board’s “Functional Abilities Form for Planning Early and Safe Return to Work,” if the *Workplace Safety and Insurance Act, 1977* applies to the situation or workplace.

RELEASE OF INFORMATION

I, [employee’s name], authorize [name of health care provider] to supply written information to my employer, [company name], regarding my residual functional capacity; any limitations or restrictions on my ability to perform the functions of my position; and any devices, equipment, or accommodations I require to enable me to perform these functions.

Employee’s signature: _____

Date: _____

FUNCTIONAL CAPACITY ASSESSMENT

Employee’s name: _____

Health care provider: Please answer only the elements that are pertinent to the employee’s ability to perform the essential functions of his job. Explain any response in more detail in Section C.

Date of assessment: _____

Please check one of the following:

- Employee is capable of returning to work with no restrictions.
- Employee is capable of returning to work with restrictions. Complete sections A, B, and C.
- Employee is physically or mentally unable to return to work at this time. Complete Section C.

(continued...)

Section A. Physical Functional Capacity Assessment

1. Please indicate *abilities* that apply. Include additional details in Section C.

<p>Walking</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 100 metres <input type="checkbox"/> 100–200 metres <input type="checkbox"/> Other (please specify) _____ _____	<p>Standing</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 2 hours <input type="checkbox"/> At least 2 hours <input type="checkbox"/> About 6 hours <input type="checkbox"/> Other (please specify) _____ _____	<p>Sitting</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 30 minutes <input type="checkbox"/> 30 minutes–1 hour <input type="checkbox"/> Other (please specify) _____ _____	<p>Lifting—floor to waist</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 5 kilograms <input type="checkbox"/> 5–10 kilograms <input type="checkbox"/> Other (please specify) _____ _____
---	---	--	---

<p>Lifting—waist to shoulder</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 5 kilograms <input type="checkbox"/> 5–10 kilograms <input type="checkbox"/> Other (please specify) _____ _____	<p>Stair climbing</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> Fewer than 5 steps <input type="checkbox"/> 5–10 steps <input type="checkbox"/> Other (please specify) _____ _____	<p>Ladder climbing</p> <input type="checkbox"/> Full abilities <input type="checkbox"/> 1–3 steps <input type="checkbox"/> 4–6 steps <input type="checkbox"/> Other (please specify) _____ _____	<p>Travel to work</p> <table border="0"> <tr> <td style="vertical-align: top;"> Able to use public transit: <input type="checkbox"/> Yes <input type="checkbox"/> No </td> <td style="vertical-align: top;"> Able to drive a car: <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table>	Able to use public transit: <input type="checkbox"/> Yes <input type="checkbox"/> No	Able to drive a car: <input type="checkbox"/> Yes <input type="checkbox"/> No
Able to use public transit: <input type="checkbox"/> Yes <input type="checkbox"/> No	Able to drive a car: <input type="checkbox"/> Yes <input type="checkbox"/> No				

2. Please indicate *restrictions* that apply. Include additional details in Section C.

<input type="checkbox"/> Bending/twisting _____ _____	<input type="checkbox"/> Repetitive movement of (please specify) _____ _____	<input type="checkbox"/> Capacity to work at or above shoulder _____ _____
---	--	--

<input type="checkbox"/> Chemical exposure to _____ _____	<input type="checkbox"/> Environmental exposure to (e.g., heat, cold, noise, or scents) _____ _____	<input type="checkbox"/> Operating motorized equipment (e.g., forklift) _____ _____
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<input type="checkbox"/> Limited use of hand(s) <table border="0"> <tr> <td style="text-align: center;"><i>Left</i></td> <td style="text-align: center;"><i>Right</i></td> </tr> <tr> <td><input type="checkbox"/> Gripping</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Pinching</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/></td> </tr> </table>	<i>Left</i>	<i>Right</i>	<input type="checkbox"/> Gripping	<input type="checkbox"/>	<input type="checkbox"/> Pinching	<input type="checkbox"/>	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/> Limited pushing/pulling with <input type="checkbox"/> Left arm <input type="checkbox"/> Right arm <input type="checkbox"/> Other (please specify) _____ _____	<input type="checkbox"/> Potential side effects from medications (please specify). Do not include the names of medications. _____ _____
<i>Left</i>	<i>Right</i>									
<input type="checkbox"/> Gripping	<input type="checkbox"/>									
<input type="checkbox"/> Pinching	<input type="checkbox"/>									
<input type="checkbox"/> Other	<input type="checkbox"/>									

<input type="checkbox"/> Exposure to vibration <input type="checkbox"/> Whole body <input type="checkbox"/> Hand/arm <input type="checkbox"/> Other (please specify) _____ _____	<input type="checkbox"/> Visual/communicative <input type="checkbox"/> Acuity (depth, colour, or field) <input type="checkbox"/> Hearing <input type="checkbox"/> Speaking <input type="checkbox"/> Other (please specify) _____ _____
---	--

(continued...)

Section B. Mental Functional Capacity Assessment

	No limitation	Not significantly limited	Moderately limited	Markedly limited	Not able to assess
1. Understanding and memory					
a. The ability to remember locations and work-like procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The ability to understand and remember very short and simple instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The ability to understand and remember detailed instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Sustained concentration and persistence					
a. The ability to carry out very short and simple instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The ability to carry out detailed instructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The ability to maintain attention and concentration for extended periods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The ability to perform activities within a schedule, maintain regular attendance, and be punctual within customary tolerances	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The ability to sustain an ordinary routine without special supervision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. The ability to work in coordination with, or proximity to, others without being distracted by them	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. The ability to make simple work-related decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. The ability to complete a normal workday without interruptions from psychologically based symptoms and to perform at a consistent pace without an unreasonable number and length of rest periods	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Social interaction					
a. The ability to interact appropriately with the general public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The ability to ask simple questions or request assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The ability to accept instructions and respond appropriately to criticism from supervisors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The ability to get along with co-workers without exhibiting behavioural extremes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The ability to maintain appropriate behaviour and to adhere to standards of cleanliness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(continued...)

	No limitation	Not significantly limited	Moderately limited	Markedly limited	Not able to assess
4. Adaptation					
a. The ability to respond appropriately to changes at work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The ability to be aware of normal hazards and take appropriate precautions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The ability to travel in unfamiliar places or use public transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The ability to set realistic goals or make plans independently	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section C. Additional Comments on Abilities and/or Restrictions

From the date of this assessment, the above will apply for approximately:

- 1–2 days 8–14 days
 3–7 days More than 14 days

Have you discussed return to work with your patient?

- Yes
 No

Recommendations for work hours and start date:

- Regular full-time hours Modified hours Graduated hours

Start date of return to work: _____

Date of next appointment to review abilities and/or restrictions: _____

I have provided this completed Functional Capacity Assessment Form to (check both if applicable):

- Employee Employer

Health care provider's signature

Telephone

Date

Sources: Adapted by The Conference Board of Canada from Workplace Safety and Insurance Board, "Functional Abilities Form"; Social Security Disability, "Mental Residual Functional Capacity Assessment."

APPENDIX A.5

Sample Written Accommodation Process

It is a *requirement* under section 28 of the Employment Standard—Documented Individual Accommodation Plans—for all Ontario employers (other than employers that are small organizations) to develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.

An example of an accommodation process is described below. It can be modified to meet organizational needs.

THE ACCOMMODATION PROCESS

[Company name] is committed to providing accommodations for people with disabilities. When an employee with a disability requests an accommodation, the following process will be followed.

Step 1. Recognize the Need for Accommodation

The need for accommodation can be:

- ◆ requested by the employee through her supervisor or through human resources; or
- ◆ identified by the employee's manager or the hiring manager.

Step 2. Gather Relevant Information and Assess Needs

The employee is an active participant in this step:

- ◆ [Company name] 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.
- ◆ The manager may ask for a functional capacity assessment at the company's expense.
- ◆ The employee and her manager evaluate potential options to find the most appropriate measure.
- ◆ An external expert may be involved, at the company's expense.
- ◆ The employee can request the participation of a representative from her bargaining agent or, if there is no bargaining agent, from a different representative from the workplace.

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, if requested;
- ◆ 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 her accessibility needs due to her disability:

- ◆ The employee's personal information is protected at all times.
- ◆ 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 her manager monitor the accommodation to ensure that it has effectively resolved the challenge:

- ◆ Formal reviews are conducted at a predetermined frequency.
- ◆ 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).

Source: The Conference Board of Canada.

APPENDIX A.6

Sample Individual Accommodation Plan

Under section 28 (1) of the Employment Standard—Documented Individual Accommodation Plans—employers (other than small businesses) are *required* to develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities. The form below can be modified and used by employers for this purpose.

Employee's name: _____ Date: _____

Employee's title/department: _____ Manager: _____

Limitations	Job-related tasks/activities affected by limitations	Is this an essential job requirement?

Sources of expert input into the individual accommodation plan (e.g., human resources manager, family doctor, specialists):

Accommodation measures are to be implemented from [start date] to [end date].

If no end date is expected, the next review of this accommodation plan will occur on [review date].

(The accommodation measure(s) should be reviewed annually, at a minimum.)

Description of Accommodation Measure(s)

Which job requirements and related tasks require accommodation?	What are the objectives of the accommodation (i.e., what must the accommodation do to be successful)?	What accommodation strategies/tools have been selected to facilitate this task/activity?

(continued ...)

Roles and Responsibilities

Outstanding actions to implement accommodation	Assigned to	Due date

Employee's signature

Manager's signature

Sources: Adapted by The Conference Board of Canada from University of Victoria, *Employment Accommodation Guidelines*, 38; Carnegie Mellon University, "Employee Individual Accommodation Plan."

APPENDIX A.7

Examples of Job Accommodations

The following are examples of accommodations that have enabled valuable employees with disabilities to keep their jobs, constituting a smart investment for their employers. The examples provided in this table are direct accounts from employers who participated in an ongoing Job Accommodation Network (JAN) study. (For a more detailed list of specific job accommodations, go to JAN's website at <http://askjan.org>.)

Situation	Accommodation	Cost to employer	Benefit
An employee with sleep apnea was persistently late for work.	The employer offered the employee a flexible work schedule so that he could arrive at work later.	\$0	The employee was able to arrive at work on time.
A warehouse employee for a pharmaceutical company had a severe fear of confined spaces. She experienced panic attacks and significant workplace stress because her workstation was situated in a small refrigerated area.	Her employer moved the location of her workstation to a more spacious area.	\$0	The new location of her workstation completely eased the employee's fears.
An office worker with tendinitis experienced pain when doing her usual data entry duties. Unable to type due to her pain level, she began to miss work.	One of the company's information technology employees wrote scripts for data she frequently entered, which limited the amount of typing she had to do.	\$100	The employee's productivity increased. She was absent less often and was more satisfied in her work.
Due to his past experience in the military, an insurance company employee had post-traumatic stress disorder and a traumatic brain injury. This made him very sensitive to environmental noise. The employee was experiencing increased anxiety due to the noise level in his workplace.	The employer purchased headphones with white noise capability and noise reduction barriers for his cubicle.	\$350	The employee and his supervisor were pleased with the outcome.
A customer service worker experienced progressive hearing loss and, as a result, was having difficulty communicating with customers. Customers were complaining.	The employer provided the employee with a headset amplifier.	\$500	The company retained a valuable, long-term employee.
A warehouse worker with a back injury was no longer able to lift the objects required in his job.	The employer offered the employee a different position (an office job) within the organization.	\$500	The employee's morale increased.
As a result of an injury sustained in a car accident, an employee returned to work using a wheelchair. The employer was concerned about how to assist the employee to leave the building during an emergency.	The employer bought an evacuation chair.	\$3,000	The employer improved the employee's safety during an emergency.

Sources: Stewart and Manni, *Fitting the Work to the Worker*, 6; Loy, "Workplace Accommodations," 6.

APPENDIX A.8

Sample Worksheet—Identification of Potential Barriers During an Emergency Response

Employees with disabilities may not be able to easily identify the potential barriers or challenges to their safety during an emergency response in the workplace. An employer and employee can complete this worksheet to determine whether the employee requires an accommodation in an emergency situation.

Although the completion of a worksheet is *not a requirement* under section 27 of the Employment Standard—Workplace Emergency Response Information—it can be useful when determining appropriate and effective workplace responses during an emergency.

INSTRUCTIONS

The employee with a disability completes this worksheet with his manager to help identify threats to the employee's safety that could arise in an emergency situation. The worksheet is also used to provide suggestions on how to overcome the identified threats.

The information collected is confidential and will be shared only with the employee's consent. He does not have to provide details of his medical condition or disability—only about the type of help he may need in an emergency.

Date: _____

EMPLOYEE INFORMATION

Name: _____

Department: _____

Telephone: _____ Mobile phone: _____ E-mail: _____

EMERGENCY CONTACT INFORMATION

Name: _____

Telephone: _____ Mobile phone: _____ E-mail: _____

Relationship: _____

WORKPLACE LOCATION

1. Where do you work?

Address: _____

Floor: _____ Room name/number: _____

2. Do you work in different places on a regular basis?

Yes

No

List the addresses, floors, and room locations. (Use additional sheets as necessary.)

(continued ...)

POTENTIAL EMERGENCY RESPONSE BARRIERS

3. Can you read/access our emergency information?

- Yes
- No

If not, what would make this information accessible to you? (Use additional sheets as necessary.)

4. Can you see or hear the fire/security alarm signal?

- Yes
- No
- I don't know

If not, what would help you to know the alarm was flashing or ringing? (Use additional sheets as necessary.)

5. Can you activate the fire/security alarm system?

- Yes
- No
- I don't know

If not, what would help you to sound the alarm? (Use additional sheets as necessary.)

6. Can you talk to emergency staff?

- Yes
- No

If not, what would help you to communicate with them? (Use additional sheets as necessary.)

(continued ...)

7. Can you use the emergency exits?

- Yes
- No
- I don't know

If not, what would help you to exit the building? (Use additional sheets as necessary.)

8. Does your mobility device fit in the emergency waiting area?

- Yes
- No
- I don't know
- Not applicable

If not, what would help it fit, or is there a better location? (Use additional sheets as necessary.)

9. Could you find the exit if it were smoky or dark?

- Yes
- No
- I don't know

If not, what would help you to find the exit? (Use additional sheets as necessary.)

10. Can you exit the building by yourself?

- Yes
- No
- I don't know

If not, what would help you to exit? (Use additional sheets as necessary.)

(continued ...)

11. Can you get to an emergency evacuation chair by yourself?

- Yes
- No
- I don't know
- Not applicable

If not, what help do you need? (Use additional sheets as necessary.)

12. Would you be able to evacuate during a stressful and crowded situation?

- Yes
- No
- I don't know

If not, what would help you to evacuate? (Use additional sheets as necessary.)

13. If you need help to evacuate, what instructions do people need to help you? (Use additional sheets as necessary.)

14. If you need other accommodations in an emergency, please list them here. (Use additional sheets as necessary.)

Source: Adapted by The Conference Board of Canada from Ontario Ministry of Community and Social Services, *Providing Emergency Response*, Appendix B.

APPENDIX A.9

Sample Individualized Employee Emergency Response Information Form

Under section 27 of the Employment Standard—Workplace Emergency Response Information—all Ontario employers *are required* to provide individualized workplace emergency response information to employees with disabilities, if the disabilities are such that the individualized information is necessary and the employers are aware of the need for accommodation due to the employees' disabilities.

This form can be used to document the workplace emergency response information for an employee with a disability and can then be added to her individual accommodation plan, if applicable.

INSTRUCTIONS

Use the information collected in the worksheet ([Appendix A.8](#)) to create an individualized workplace emergency response for each employee with a disability. Modify this form if an employee needs different types of accommodations for different types of emergencies.

All information in this document is confidential and will be shared only with the employee's consent.

EMPLOYEE INFORMATION

Name: _____

Department: _____

Telephone: _____ Mobile phone: _____ E-mail: _____

EMERGENCY CONTACT INFORMATION

Name: _____

Telephone: _____ Mobile phone: _____ E-mail: _____

Relationship: _____

WORK LOCATION

(Repeat for other work locations)

Address: _____

Floor: _____ Room name/number: _____

EMERGENCY ALERTS

[Name of employee] will be informed of an emergency situation by:

- Existing alarm system
- Pager device
- Visual alarm system
- Co-worker
- Other (specify): _____

(continued ...)

APPENDIX A.10

Sample Job Task Analysis Form

Employers *are not required*, under section 29 of the Employment Standard—Return to Work Process—to do a job task analysis for employees returning to work from a disability-related leave. However, it is a good practice to analyze the various job options available to returning employees to ensure that the best options are chosen.

During a job task analysis, the following three steps must be carried out for every position of interest.

STEP 1. IDENTIFY AND EVALUATE TASKS

- a. Develop a comprehensive list of tasks that define the job:
 - ◆ include the list of duties and responsibilities from the job description;
 - ◆ add any new tasks that could be considered;
 - ◆ delete any tasks that are no longer part of the job.
- b. List the tasks in the table below.
- c. Have the work team discuss each task and come to a consensus about the importance and frequency of the task.
- d. When all values have been assigned, have the work team consider deleting tasks that receive low scores for importance.

Job Analysis Worksheet for Tasks

Task description	Importance*	Frequency**
1.		
2.		
3.		
4.		
5.		
6.		

*Importance scale

How important is this task to the job?

- 0 = Not performed
- 1 = Not important
- 2 = Somewhat important
- 3 = Important
- 4 = Very important
- 5 = Extremely important

**Frequency scale

How often is the task performed?

- 0 = Not performed
- 1 = Every few months to yearly
- 2 = Every few weeks to monthly
- 3 = Every few days to weekly
- 4 = Every few hours to daily
- 5 = Hourly to many times each hour

(continued...)

STEP 2. IDENTIFY AND EVALUATE COMPETENCIES

A competency is a measurable pattern of knowledge, skills, abilities, behaviours, and other characteristics that an individual needs in order to perform his work roles or occupational functions successfully.

- a. Identify the competencies directly related to performance on the job.
- b. List the competencies in the table below.
- c. Have the work team discuss, as a group, each competency. Have them come to a consensus about the importance of the competency and when it is needed for effective job performance.
- d. When all values have been assigned, have the work team consider deleting competencies that receive low scores for importance.

Job Analysis Worksheet for Competencies

Competency	Importance*	Need at entry**
1.		
2.		
3.		
4.		
5.		
6.		

***Importance scale**

How important is this competency for effective job performance?

- 1 = Not important
- 2 = Somewhat important
- 3 = Important
- 4 = Very important
- 5 = Extremely important

****Need at entry scale**

When is this competency needed for effective job performance?

- 1 = Prior to qualification
- 2 = The first day
- 3 = Within the first three months
- 4 = Within the first four to six months
- 5 = After the first six months

(continued...)

STEP 3. EVALUATE THE LINKS BETWEEN TASKS AND COMPETENCIES

This step demonstrates that there is a clear relationship between the tasks performed on the job and the competencies required to perform them.

- a. Evaluate each competency for its importance in the effective performance of each task.
- b. When finished, verify that each competency is important to the performance of at least one task.

Job Analysis Worksheet Linking Tasks and Competencies

Task number	Competency letter					
	A.	B.	C.	D.	E.	F.
1.						
2.						
3.						
4.						
5.						
6.						

Linkage scale

How important is this competency for effective task performance?

- 1 = Not important
- 2 = Somewhat important
- 3 = Important
- 4 = Very important
- 5 = Extremely important
- n.a. = Not applicable

Note: The return to work (RTW) coordinator can look at this worksheet when determining whether an employee returning to work from a disability leave can perform the necessary tasks of his job safely. If not, the RTW coordinator can look at whether the employee should be reassigned temporarily (or permanently) to a different position, the job can be modified, or other alternatives should be considered.

Source: The Conference Board of Canada.

APPENDIX A.11

Sample Return to Work Process

It is a *requirement* under section 29 of the Employment Standard—Return to Work Process—for all Ontario employers (other than employers that are small organizations) to develop, put in place, and document a return to work (RTW) process for employees who have been absent from work due to a disability and who require an accommodation to return to work.

An example of a written process is presented below. It can be modified to meet organizational needs.

THE RETURN TO WORK PROCESS

At [company name], we are committed to supporting employees who have been absent from work due to a non-work-related disability and who require an accommodation in order to return to work. Therefore, senior management have put in place the following RTW process to facilitate an employee's safe and timely return to work.

Step 1. Initiate the Return to Work Process

- The employee reports her need for a disability leave to her supervisor or to human resources
- Information is sent to the RTW coordinator ([name of RTW coordinator], [phone], [e-mail])

Step 2. Make and Maintain Contact With the Employee on Leave

RTW coordinator:

- Maintains regular contact with the employee, with the employee's consent
- Provides the employee with RTW information
- Helps resolve any problems with treatment, if asked to by the employee
- Monitors the employee's progress until she is fit for work

Employee:

- Gets and follows the appropriate medical treatment
- Updates the RTW coordinator about her progress
- Gives the health care provider the RTW information

Health care provider:

- Provides appropriate and effective treatment to the employee
- Provides required information on the employee's functional abilities, if requested

Step 3. Develop a Return to Work Plan

- The employee, the RTW coordinator, and the health care provider (if needed) collaborate to develop a formal RTW plan, which is included in the employee's individual accommodation plan, if applicable:
 - ◆ if the employee has *no residual functional limitations*, she returns to her regular position with no accommodation required
 - ◆ if the employee has *temporary functional limitations*, she returns to a temporary modified work environment with accommodation, or to an alternative transitional position
 - ◆ if the employee has *lasting functional limitations*, she returns to work with permanent accommodations or is permanently reassigned to another position

Step 4. Monitor and Evaluate the Return to Work Process

- The employee, supervisor, and RTW coordinator monitor and review the RTW process regularly until it has been completed
- If the employee encounters challenges, the RTW plan is modified to overcome these challenges

Source: The Conference Board of Canada.

APPENDIX A.12

Sample Return to Work Plan Form

Under section 29 of the Employment Standard—Return to Work Process—all Ontario employers (other than small employers) must develop, put in place, and document a return to work (RTW) process for employees who have been absent from work due to a disability and who require an accommodation to return to work.

Although it is *not a requirement* under the Standard, this form can be used to document the outcome of a RTW process for an individual employee and can then be added to the employee's individual accommodation plan, if applicable.

Employee's name: _____

Start date: _____ End date: _____

Job title: _____ Annual salary: _____

Goal of RTW process: _____

	Functional limitations	Workdays per week	Work hours per day	Job tasks	Accommodation	Safety considerations
Week 1						
Week 2						
Week 3						
Week 4						

Does the RTW plan involve a temporary assignment to a different position?

- Yes (Please answer the questions below.)
 No

What is the new position? _____

What is the length of assignment (if known)? _____

What training is required? _____

What safety precautions are being taken during training? _____

Employee's signature

Manager's signature

Date

Sources: The Conference Board of Canada; Office of the Employer Adviser, *Return to Work*, 9.

APPENDIX B

Selected Resources

This appendix provides links to organizations and resources that can assist employers to hire employees with disabilities and to create accessible and inclusive work environments for these employees.

EMPLOYMENT

ableworks.ca (www.ableworks.ca) is a free job posting website with a network of local recruiters to help businesses in the Hamilton, Niagara, and Haldimand/Brant/Norfolk regions recruit and hire employees with disabilities. Employers post their positions, and a network of 22 local recruitment agencies source, pre-screen, and find the right candidates. The network also provides on-the-job training, unpaid work trials, information on how to obtain wage subsidies, and ongoing post-hire support.

AccessON (ontario.ca/AccessON) is the Government of Ontario's website that offers free tools and resources to help organizations meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA). It provides information on various standards associated with the AODA, including Customer Service, Employment, Information and Communications, Transportation and the Design of Public Spaces in the Built Environment, as well as general information to assist the public in understanding accessibility.

Canadian Association of Professionals with Disabilities (www.canadianprofessionals.org/index.html) is a national, non-profit organization dedicated to maximizing the inclusion, job retention, and advancement of current and future professionals with disabilities. It provides a website where employers can post career opportunities for these professionals. This organization also provides an online discussion group for individuals with and without disabilities, and organizations that support the inclusion, job retention, and career advancement of current and future professionals with disabilities.

Canadian Council on Rehabilitation and Work (CCRW) (www.ccrw.org/main.php?lang=en) offers a wide range of programs to assist employers hire and support their employees with disabilities. They include:

- ♦ **WORKink Ontario** (www.workink.com/provincial.php?prID=3&pgID=11151), which provides employers with tools, articles, and interactive features to help them recruit, hire, and retain people with disabilities.
- ♦ **Workplace Essential Skills Partnership (WESP)** (www.ccrw.org/main.php?category=programs_services&id=110), an employment program designed to provide job seekers with the necessary tools to be competitive in today's job market. The program allows employers to recruit and pre-screen qualified candidates, and to access the CCRW's Job Accommodation Service.

- ◆ Skills Training Partnership (STP) (www.ccrw.org/main.php?category=programs_services&id=307), a project designed to assist employers in developing training programs to prepare qualified job seekers for employment. The project provides an opportunity for employers to gain expert assistance in recruiting, hiring, and training skilled employees who have disabilities.
- ◆ Partners for Workplace Inclusion Program (PWIP) (www.ccrw.org/main.php?category=programs_services&id=108), which allows job seekers with disabilities to access a wide range of employment programs and opportunities, and enhances their pre-employment skills development. It aims to reduce barriers in the workplace by engaging employers in a best practices model program.
- ◆ Disability Awareness Series (www.ccrw.org/main.php?category=programs_services&id=62), which is a comprehensive program that presents diversity concepts to employers who wish to create inclusive work environments for their employees with disabilities.

Canadian Paraplegic Association Ontario Employment Services (www.cpaont.org/service/employment/employers) connects employers with qualified, motivated candidates with spinal cord injuries and other physical disabilities. Since this placement service is funded by the provincial government, it is provided at no cost. The Canadian Paraplegic Association Ontario Employment Services also provides employers with disability awareness training for employees, management, and human resources professionals; examples of organizational best practices; internships; worksite assessments; and information and consultation related to the *Accessibility for Ontarians with Disabilities Act*. Minimal costs are associated with some of these additional services.

Career Edge Organization (www.careeredge.ca/en/home) is a national, not-for-profit service provider that connects multi-sector businesses with qualified graduates with disabilities through paid internship programs. This organization also offers pre-screening processes; information on best practices in recruitment, retention,

and integration of graduates into the workforce; payroll administration and direct hire billing; and access to online resources.

Community Living Ontario (CLO)

(www.communitylivingontario.ca) supports people with intellectual disabilities to live, learn, and work in the community. CLO also provides resources and supports employers to hire individuals with intellectual disabilities, as follows:

- ◆ Rotary at Work (www.communitylivingontario.ca/employers/rotary-work), which is an employment project involving local Ontario Rotary Clubs and CLO. Rotary Clubs encourage members and their business communities to create employment opportunities for people who have disabilities. Then, CLO connects these employers with local employment agencies.
- ◆ Resources for Employers (www.communitylivingontario.ca/employers/resources-employers), which are provided by CLO to support employers in hiring people with intellectual disabilities. This includes supported employment options, disability consulting, and targeted wage subsidies.

Goodwill Hamilton & Halton Region (www.goodwillonline.ca) is a not-for-profit charitable organization that helps people overcome employment barriers and obtain work. It offers:

- ◆ Wage Subsidies (www.goodwillonline.ca/employers/wage-subsidies) to enable qualified employers to hire people with disabilities, by offsetting some of the costs of the hire.
- ◆ Goodwill Career Centre (www.goodwillonline.ca/job-seekers/find-work) to assist employers and job applicants with disabilities to make appropriate employment matches. The Centre also helps employers create job descriptions and training plans, and provides post-hire follow-up.
- ◆ Contract Services (www.goodwillonline.ca/work-activity-centre/contract-services), which offers assembly, labelling, collating, packaging, and mail services at competitive rates to businesses. The Contract Services team members are individuals with employment barriers, including people with disabilities.

jobs.abilities.ca (<http://jobs.abilities.ca>) is a website, created by The Canadian Abilities Foundation, designed to help employers recruit and hire individuals with disabilities all across Canada. It includes:

- ♦ **Work + Money** section (www.abilities.ca/work_money/2004/04/15/job_postings_on_the), which provides a list of online resources that employers can use to connect with job applicants with disabilities, including a description of each service and the cost.
- ♦ **Directory of Disability Organizations in Canada** (www.abilities.ca/directory), which is developed in partnership with TD Bank, a searchable, online directory of disability organizations in Canada.

LinkUp Employment Services (www.linkup.ca/index.html) helps individuals with disabilities in downtown Toronto find employment through many programs: assessment of skills and abilities; access to a large database of qualified job applicants; workshops and seminars; an internship program; and assessment and funding for accommodations and assistive devices.

Mental Health Works (www.mentalhealthworks.ca) provides employers with tools and resources about how to talk with employees about mental health problems and legal rights and responsibilities, and provides tools and resources about how to make workplaces more mentally healthy and psychologically safe. This website has sections on hiring and accommodating employees with mental health disabilities. It also includes:

- ♦ **Employer Solutions** (www.mentalhealthworks.ca/employers), which provides fundamental mental health information for employers; workshops on mental health issues in the workplace; free resources for employers; and consulting services.
- ♦ **Employee Supports** (www.mentalhealthworks.ca/employees), which provides fundamental mental health information for employees with mental health disabilities; external resources for individuals with mental health disabilities; and employment information.

Ontario Disability Employment Network (ODEN)

(www.odenetwork.com) is a network of regional employment service providers that aims to increase

access to employment for individuals with disabilities. ODEN connects employers with the local community service providers and helps them locate external resources on accessibility, accommodations, and training related to employing people with disabilities.

Ontario Job Opportunity Information Network (JOIN)

(www.joininfo.ca) is a network of community agencies located in the Greater Toronto Area, and it helps match employers' hiring requirements to qualified candidates with disabilities. As well as offering employers a website where they can post career opportunities to a wide pool of talented job seekers with disabilities, it offers a range of programs to assist employers to hire and support their employees with disabilities. They include:

- ♦ **Business Leadership Network (BLN)** (www.joininfo.ca/page/BLN/index.v3page;jsessionid=p3hlzlrksr12), where employers can learn from other business leaders about initiatives and good practices the business leaders have used to successfully employ and retain people with disabilities.
- ♦ **Employer Conference** (www.joininfo.ca/page/EmployerConference/index.v3page), an annual event that showcases advances and good practices in the area of workplace accessibility and inclusion of employees with disabilities.
- ♦ **Career Fair Connection** (www.joininfo.ca/page/careerfairconnection/index.v3page), one of the biggest career fairs in Ontario for people with disabilities, attracting over 1,500 candidates and 40 employers.
- ♦ **Mentoring Connection** (www.joininfo.ca/page/1874474/index.v3page), which is a program that connects professionals with disabilities with mentors from corporate Canada.

Ontario March of Dimes (OMOD) (www.marchofdimes.ca/EN/Pages/default.aspx), which offers employment

services free of charge. The OMOD works with employers to develop job descriptions, screen candidates, conduct interviews, and provide job training for people with disabilities.

ACCOMMODATION

Access Checklist from the DisAbled Women's Network Ontario (DAWN—http://dawn.thot.net/access_checklist_full.html) provides guidelines that, when used, can ensure that employers' buildings or events are accessible to people with disabilities.

Best Practices in the Home-Based Employment of People with Disabilities (<http://disabilitystudies.ca/wp-content/uploads/2010/08/teleworkbpcr.htm>) is an online handbook, prepared by the Canadian Centre on Disability Studies in 2002, that provides guidelines for employers on how to plan, implement, and maintain successful telework arrangements.

Business Takes Action (BTA) (www.businessstakesaction.ca) is a Canadian Manufacturers & Exporters initiative. It aims to provide the tools and resources that employers require to remove the physical and attitudinal barriers associated with hiring people with disabilities. BTA offers:

- ♦ **Employer Resources** (www.businessstakesaction.ca/en/employer-resources/employer-resources.html), which provides employers with information on disability; data on people with disabilities; information on accessible hardware and software; Myth Busters Quiz; information on the roles and responsibilities of the various stakeholders (employer, employee, unions, and Workplace Safety and Insurance Board) in the accommodation process; and links to support providers and employment networks.
- ♦ **Employer Tools** (www.businessstakesaction.ca/en/employer-tools/employer-tools.html), which provides employers with an HR guide, checklists, articles and information sheets, presentations, an accessibility audit tool, and a blog to assist them to hire and support their employees with disabilities.

Canadian Hearing Society (CHS) (www.chs.ca) aims to improve the independence of people who are deaf and/or hard of hearing, and to promote the prevention of hearing loss. CHS provides:

- ♦ **Accessibility Services @ CHS** (www.chs.ca/index.php?option=com_content&view=article&id=735&Itemid=55&lang=en), which offers services to employers, including accessibility consulting, website

accessibility information, a communications devices program, workplace accessibility services, interpreting services, real-time translation, and video conferencing services. In Ontario, CHS also provides American Sign Language and hearing help classes.

- ♦ **Employment Services** (www.chs.ca/index.php?option=com_content&task=view&id=81&Itemid=107&lang=en) which offers assistance to employers regarding accommodations, assistive technology, and communications devices.

Canadian National Institute for the Blind (CNIB) (www.cnib.ca/en/Pages/default.aspx) provides career and employment services for individuals who are blind or partially sighted. CNIB also offers a full spectrum of accessibility expertise and support for employers including:

- ♦ **Web and Digital Accessibility Services** (www.cnib.ca/en/services/cnib_web_digital_accessibility_services/Pages/default.aspx), which includes web- and digital-based accessibility solutions, accessibility consulting services, web assessment and compliance audits, digital document accessibility services, and accessibility training for private and public organizations.
- ♦ **Accessibility Resources** (www.cnib.ca/en/services/resources/Pages/default.aspx), which provides accessible web design resources, information on the clear print standard, built environment resources, and tips for employers and employees on creating an accessible workplace.

Global Alliance on Accessible Technologies and Environments (GAATES) (www.gaates.org/index.shtml) is an international, not-for-profit organization that promotes the accessibility of electronic and communications technologies, and of the built environment.

Inclusive Design Research Centre—OCAD University

(<http://idrc.ocad.ca>) offers the Employment Accommodation Service, a multidisciplinary support team that is available to assist in the hiring, retraining, retention, or advancement of people with disabilities. The Centre is dedicated to ensuring that the design of emerging information technology is inclusive of people with disabilities. It also provides information on assistive technology.

Job Accommodation Network (JAN) (<http://askjan.org>) is a leading U.S. source of guidance on workplace accommodations and disability employment issues. The JAN website also contains:

- ◆ SOAR (<http://askjan.org/soar/index.htm>), a searchable online accommodation database;
- ◆ the A to Z of Disabilities and Accommodations (<http://askjan.org/links/atoz.htm>), accommodation ideas searchable by disability, occupation, product or service, or topic;
- ◆ a Publications and Resources section (<http://askjan.org/media/index.htm>) that lists other resources on accommodation;
- ◆ information about various disabilities (<http://askjan.org/media/atoz.htm>).

RETURN TO WORK

Guide and Tools for Modified Work (www.irsst.qc.ca/media/documents/PubIRSST/OMRT-En.pdf) is a publication developed by the Montréal Department of Public Health in 2005. It describes an approach to planning and setting up a modified work program for workers with certain musculoskeletal disorders.

Institute for Health and Productivity Management (IHPM) (www.ihpm.org) is an American resource for information and data related to better managing workplace health and productivity. It also provides access to a number of other resources:

- ◆ Academy's e-Learning Web Portal (www.ahpm.org/about.html), offering practical health and productivity measurement resources to apply in the workplace setting.
- ◆ Workplace Center for Metabolic Health (www.ihpm.org/metabolic-health.php), which implements worksite interventions to reduce metabolic risk factors and measures their effectiveness.
- ◆ Workplace Center for Respiratory Health (www.ihpm.org/respiratory-health.php), which researches worksite interventions to better manage respiratory disabilities and illnesses in the workplace.
- ◆ Workplace Center for Behavioral Health (www.ihpm.org/behavior-health.php), providing a source of tested and viable information for employers on a full range of behavioural health issues. These

include identifying conditions and their co-morbidities, supporting employees in diagnosis and treatment, and measuring both health care and workplace productivity costs and outcomes. The resource section focuses on mental disabilities in the workplace.

Institute for Work & Health (IWH) (www.iwh.on.ca) is an independent, not-for-profit organization that researches practices that prevent work-related injuries and illnesses and that improve the health and recovery of injured workers. IWH also conducts research on return to work and disability prevention and management. It provides an assortment of disability prevention tools including:

- ◆ *DASH Outcome Measure* (www.dash.iwh.on.ca), a 30-item, self-report questionnaire designed to measure the physical capacity of people with disabilities (of their arm, shoulder, and hand).
- ◆ *Red Flags/Green Lights: A Guide to Identifying and Solving Return-to-Work Problems* (www.iwh.on.ca/rtw-problems-guide), which presents potential obstacles and helpful practices during return to work situations.
- ◆ *Seven "Principles" for Successful Return to Work* (www.iwh.on.ca/system/files/documents/seven_principles_rtw_2007.pdf), which provides evidence-based guidelines that employers can use to enhance their employees' return to work experience.

National Institute of Disability Management and Research (NIDMAR) (www.nidmar.ca/about/about_institute/institute_info.asp) is a Canadian educational, training, and research organization that is committed to the implementation of workplace-based return to work programs and the maintenance of workers' abilities, while reducing the costs of disability for workers, employers, government, and insurance carriers. To assist employers to implement successful return to work processes, NIDMAR also provides:

- ◆ Audit Services (www.nidmar.ca/audit/audit_synopsis.asp), certified, trained auditors who use the NIDMAR audit tool (the Consensus Based Disability Management Audit) to evaluate the effectiveness of employers' disability management and return to work programs.
- ◆ REHADAT Canada (www.nidmar.ca/rehadat/rehadat_database/rehadat_database.asp), six free databases on assistive devices, case studies, disability management practices, literature, policies and language, and research on disability management and rehabilitation.

- ◆ Academic Programs (www.nidmar.ca/education/education_background/background_information.asp), drawing on the knowledge and experience of a number of academic and business leaders. NIDMAR offers two academic programs: the Certified Return to Work Coordinator Program and the Certified Disability Management Professional Program.

Work Function Unit of McMaster University

(www.srs-mcmaster.ca/Default.aspx?tabid=555)

conducts research into the dimensions of work and individuals' functional abilities as they relate to life events and health. Studies are undertaken in collaboration with service providers, individuals with disabilities, and business leaders from public and private organizations.

APPENDIX C

List of Interviewees

EMPLOYERS INTERVIEWED

Aneesa Bacchus

Talent Attraction Manager
KPMG LLP

Deborah Berwick

Manager, Organizational Effectiveness,
Diversity and Inclusion
The Home Depot Canada

Bruce Burt

Team Lead, Centre for Employee Health,
Safety and Wellness
HR Ontario
Ontario Public Service

Jamie Burton

Vice-President, Corporate Development
Dolphin Digital Technologies Inc.

Scott Dargie

Manager
Paddy Flaherty's Irish Pub

Mark Farrugia

Owner and Head Chef
La Piazza Allegra

Melanie Kerr

Senior Manager, HR Services
KPMG LLP

Kaye Leslie

Manager, Workforce Diversity
Scotiabank

Janet Mawhinney

Manager, Diversity and Equity
Centre for Addiction and Mental Health

Laura McKeen

Associate Lawyer
Cohen Highley LLP

Tracy Odell

Director, Accessibility Program Design and Delivery
Diversity Office
Ontario Public Service

Andrea Payne

Human Resources Manager
J.E. Agnew Food Services Ltd.

Matthew Rempel

Special Advisor to the Chief Officer for
Diversity and Accessibility
Diversity Office
Ontario Public Service

Martha Ricker

Director, West Regional HR Services
HR Ontario
Ontario Public Service

Christine Taveres

Senior Accountant
KPMG LLP

Yves Veulliet

Disability and Diversity Leader
IBM Canada and BeNeLux

KEY INFORMANTS INTERVIEWED

Christopher Cutler

Manager of Program Development and Innovation
PATH Employment Services

Joe Dale

Executive Director
Ontario Disability Employment Network

Jaclyn Krane

Manager, Workplace Essential Skills Partnership
Canadian Council on Rehabilitation and Work

Vicki Mayer

Executive Director
ATN Access Inc.

Sharon M. Myatt

Employer Development Consultant
Ontario Job Opportunity Information Network

Macrina Perron

Employment Counsellor
Youth Employment Services (YES)

Elizabeth Smith

Manager, Employer Consultations and Partnerships
Canadian Council on Rehabilitation and Work

APPENDIX D

Respondent Profile

	Percentage of respondents
Gender	
Male	43.4
Female	56.6
Age range	
21 to 30	4.7
31 to 40	9.3
41 to 50	24.7
51 to 60	36.0
61 and over	25.3
Job level	
President/chief executive officer	0.7
Executive, director, senior manager	6.0
Middle/line manager, supervisor	14.9
Professional—technical	18.7
Professional—non-technical	17.9
Technician, skilled tradesperson	3.7
Labour, service, or production	24.6
Clerical and support	11.9
Other	1.5

	Percentage of respondents
Disability type*	
Visual	7.9
Hearing	10.8
Physical	49.3
Speech or language	2.0
Mental health	23.2
Intellectual or developmental	2.6
Learning	4.1
Other	0.2

*Percentage of total reported disabilities. Note that respondents were allowed to choose more than one disability type.

Source: The Conference Board of Canada.

APPENDIX E

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To access the resources that the Accessibility Directorate of Ontario has developed to support organizations understand and comply with accessibility standards under the AODA, please visit: ontario.ca/AccessON.

For more information, or for answers about the AODA and compliance with the standards, please call the ServiceOntario AODA Contact Centre at:

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