

Module 5 Workplace Accommodations: video 1 The Law and What it Means to You

Module 5: Managing your career strategies for graduates with disabilities module 5
workplace accommodations

Video 1: The law and what it means to you

Welcome to Module 5 of our Career and Disability series brought to you by the UTSC AccessAbility Services and the Academic Advising and Career Centre. This module focuses on workplace accommodations and this video has information on the Ontario Human Rights Code.

It's important that you know about the provincial law called the Ontario human rights code sometimes this law is simply referred to as the code. The Ontario Human Rights Code is a law that protects everyone from discrimination and harassment, it gives everybody equal rights and opportunities in such areas as employment, housing and services. The code ensures that people with disabilities have the same opportunities and benefits at work as people without disabilities. We encourage you to learn as much as you can about legal matters involving being accommodated at work so, please see our resources section for links to valuable sources.

Here are some examples of various disabilities that are specifically protected by the Ontario human rights code, this list is not exhaustive and there are other disabilities not listed on this slide that are also protected under the code. Those listed on this slide include acquired brain injury attention, deficit disorder autism spectrum, deaf, deafened or hard of hearing learning disabilities, low vision or blindness, chronic health conditions such as Epilepsy or Crohn's disease, mental health disabilities such as social anxiety depression or bipolar disorder and physical disabilities such as back injuries or paralysis. Most importantly the type of disability is not relevant, what is more important is how the disability impacts you, your restrictions and your limitations.

The Ontario Human Rights Code defines an accommodation as an adjustment of a rule, practice, condition or requirement of a job. To take into account the specific disability related needs of an individual it means that the way in which work is done can be adjusted to allow the person with a disability to perform job tasks and participate in the work environment. For example, an employee may benefit from a flexible work schedule such as starting later in the morning, providing breaks or for part-time workers spacing out their workdays. An example of modifying a rule in a workplace would be an employer adjusting a rule about no animals allowed to allow service animals on premises.

The Ontario Human Rights Code outlines three general principles that must be kept in mind when considering appropriate accommodations. For employees, the first principle states that appropriate accommodations must respect the dignity of an individual, meaning that an accommodation is only appropriate if it values self-worth, privacy, confidentiality, comfort and allows an individual to make decisions. The second principle of accommodation is that accommodations must be individualized. Each person has unique needs and what may work as an appropriate accommodation for one person may not be a suitable accommodation for another. The third principle involves accommodations that promote inclusion. This means

that a work environment should be barrier-free and allows employees to fully participate in the work environment without obstacles.

The Ontario Human Rights Code outlines an important legal concept called the duty to accommodate. The duty to accommodate is the legal obligation that employers have under the code to meet the needs of persons with disabilities. The goal of accommodation is to allow equal benefit and participation in the workplace. If you disclose to an employer that you have a need for accommodations, the employer has a legal responsibility to make an effort to identify the essential or core duties and determine with the employee what accommodations can be provided for them to perform these duties up to the point of undue hardship. When determining if an accommodation will cause undue hardship employers must consider three things. First, if there is objective evidence. For example, financial statements to demonstrate that the cost is so substantial that it could impact the nature of the business or impact the ability of the employer to function.

The second consideration is outside sources of funding, that is the employer must determine if there are any outside funding sources that could offset the costs.

Finally, the employer may consider if an accommodation will cause a serious health and safety risk. The employer must consider a range of factors and if the risk can be minimized before determining that there is an actual risk. If the risk still exists after accommodation the standard of undue hardship may be met.

If you would like to provide feedback on these videos or if you have questions or concerns. Please contact the Academic Advising and Career Centre at aacc.utsc@utoronto.ca or the AccessAbility Services at ability.utsc@utoronto.ca