

CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

SUBJECT:	HUMAN RIGHTS AND ACCOMMODATION			
TYPE:	HUMAN RESOURCES		POLICY NO. HR-003-00	
DATE:	REVIEW DATE:	FREQUENCY:	REL. BY-LAW:	PAGE #:
July 8, 2008		As Required	08-321	1 of 5
Revisions				
New Policy				

I. Purpose:

Every Township employee or potential employee has the right to be free from discrimination in employment.

The Township of South Algonquin (“the Township”) is committed to meeting its obligations under the Ontario *Human Rights Code* as amended from time to time (“the Human Rights Code”).

While the Township will endeavour to remove barriers that cause discrimination in the various aspects of the employment relationship (hiring, designing job requirements, promotions, training, and so on), it recognizes that individuals may nevertheless continue to require individual accommodations for reasons such as their religious observances, disabilities, and so on.

It is the Township’s Policy to respond in a timely, confidential and sensitive manner whenever a need for individual workplace accommodation is brought to its attention. Employees who indicate a need for a workplace accommodation can expect the Township to treat them with dignity and respect.

II. Scope:

This Policy applies to all persons working for the Township and job candidates.

SUBJECT: HUMAN RIGHTS AND ACCOMMODATION	POLICY NO: HR-003-00
DATE OF ISSUE/REVIEW DATE: July 8, 2008	Page 2 of 5

III. Definitions:

Discrimination means directly or indirectly refusing to employ or to promote, or terminating someone's employment based on the prohibited grounds; establishing or following any policy or practice which deprives persons of career opportunities based on the prohibited grounds; and making adverse distinctions between employees based on such grounds.

For the purpose of this policy, a **Prohibited Ground** is one of those listed in the *Human Rights Code* as may be amended from time to time. Currently, the prohibited grounds are race, colour, religion, place or ethnic origin, sex, age, disability, ancestry, citizenship, sexual orientation, and marital or family status.

Employee means all persons working for the Township including indeterminate and temporary employees, casual employees, independent contractors, employment agency personnel and temporary or committee volunteers. This Policy also applies to job candidates.

Bona Fide Occupational Requirements – are those requirements that the employer has adopted in good faith in the belief that they are reasonably necessary to fulfill the functions of the position in the sense that the employer cannot accommodate persons with the characteristics of a particular group without incurring undue hardship.

IV. Responsibilities:

Employees have a responsibility to treat each other with respect and to ensure fellow employees share a workplace free from discrimination. Employees who require accommodation needs under one of the designated groups have a responsibility to self-identify.

Volunteer Committees must ensure that any person, who is a resident of the Township, will not be precluded from participation as a volunteer, temporarily or as a committee member, for any Township Committee or Township-sponsored event.

Managers (including supervisors) have a duty to create and maintain a workplace free from discrimination and to ensure that employees, who require and identify a need for accommodation, will have his or her complaint taken seriously and to support the implementation of necessary changes to systems, removal of barriers and other related actions as appropriate.

Clerk-Treasurer (including designate) must ensure that Township work accommodation concerns are addressed in accordance with this Policy. The Clerk-Treasurer must ensure that complaints received relative to this Policy are addressed in a timely and confidential manner. It is the responsibility of the Clerk-Treasurer to ensure all employees are made aware of this Policy and to answer any enquiries regarding this Policy.

SUBJECT: HUMAN RIGHTS AND ACCOMMODATION	POLICY NO: HR-003-00
DATE OF ISSUE/REVIEW DATE: July 8, 2008	Page 3 of 5

Members of Council must, as an employer, be aware of issues of concern within the Township and promise to respect the confidentiality of anyone who identifies a need for accommodation or who lodges a complaint under this Policy. The Township will not condone discrimination or illegal harassment of or by any Township representative towards anyone, including any employee, volunteer, contractor, vendor, elected or appointed official or member of the public.

V. Procedures:

i) **Job Advertisements**

The Township will not stipulate qualifications based on prohibited grounds of discrimination on its job advertisements. Qualifications will focus on the education, experience, skills, and abilities that reflect the bona fide occupational requirements of the job

ii) **Job Applications**

The Township will not ask directly or indirectly about a prohibited ground of discrimination on a job application. However, the Township is permitted to ask whether a job candidate is legally entitled to work in Canada or whether he is over the age of 18. Moreover, the applicant can be asked if he has been convicted of a criminal offence for which a pardon has not been granted. And if being bondable is a reasonable and genuine requirement of the job, the Township may ask if the applicant is eligible. All employees and volunteers within the Township are required to successfully complete a police check, including a sexual offender pardon (where necessary).

iii) **Job Interviews**

During job interviews, the Township may only ask about one of the prohibited grounds if there is a reasonable and genuine requirement with respect to the job. For example, employment in a shelter for battered women being limited to women. If the applicant's disability becomes an issue at the interview, the Township may only make inquiries about the job candidate's accommodation needs limited to his or her ability to perform the essential duties of the job.

iv) **Accommodation Requests during Hiring Process**

Anyone making an enquiry or applying for a position with the Township who requires accommodation in relation to the application and interview process should direct the accommodation enquiry as soon as possible to the Clerk-Treasurer. A successful candidate who will require accommodation once they begin work may indicate this need either before, or as soon as possible after commencing the job, to the Clerk-Treasurer, advising them of the accommodation need and the reason it is required.

SUBJECT: HUMAN RIGHTS AND ACCOMMODATION	POLICY NO: HR-003-00
DATE OF ISSUE/REVIEW DATE: July 8, 2008	Page 4 of 5

v) **Accommodation Request by Current Employees**

Current employees who require accommodation are expected to take the initiative to inform the Clerk-Treasurer of the need for accommodation. They may be asked to explain why the accommodation is required and they should allow for a reasonable time for reply. Where the employee is not in a position to recommend a possible accommodation, but is aware that some accommodation is necessary, it is sufficient for him or her to advise the Clerk-Treasurer of the need. The Township may require documentation from the employee to verify this need. Information will be limited to the facts relevant to identifying appropriate accommodation alternatives.

vi) **Needs Assessments**

The Township reserves the right to require the current employees or job candidates to participate in a formal needs assessment by a qualified medical practitioner or other trained professional in order to assist in determining what accommodation is needed, how much it will cost, and how it can be provided. Unless required to do so by law, the Township will not require the employee or job candidate to disclose a diagnosis. However, the Township reserves the right to request an employee or job candidate's limitations, restrictions and prognosis.

vii) **Decision Making**

The Clerk-Treasurer shall finalize a decision regarding the accommodation issue in a timely manner. The Clerk-Treasurer shall communicate that decision to the employee or job candidate in writing.

viii) **Undue Hardship**

It is important to understand that the Township is not required to make changes to workplace policies, rules, practices and operations or provide accommodations that will result in undue hardship. However, it will ensure that all effective options to accommodate, short of undue hardship, are considered. If accommodation is not possible because of undue hardship, the employee or job candidate can expect the Township to explain this clearly to him and demonstrate why this is so.

ix) **Appeals**

If the employee or job candidate is not satisfied with the decision regarding the request for accommodation, the employee or candidate may appeal the decision to the Township Council for further review. The decision of the Township Council shall be binding upon the parties.

SUBJECT: HUMAN RIGHTS AND ACCOMMODATION	POLICY NO: HR-003-00
DATE OF ISSUE/REVIEW DATE: July 8, 2008	Page 5 of 5

Additional Recourse:

Individuals, who feel they have been subject to discrimination under the grounds as described above, should file a complaint pursuant to the Township's Respect in the Workplace Policy. Employees and job candidates continue to have the right to seek assistance from the Ontario Human Rights Commission and/or Tribunal even when steps are being taken under this Policy.

Confidentiality:

The Township recognizes employees and job candidates' interest in confidentiality. Information, with respect to the request for accommodation and the reasons behind the request and any confidential medical information, with respect to an employee or job candidate's limitations, restrictions and prognosis, will only be disclosed to those individuals who have a need for the information in order to facilitate the accommodation.