

**BRANTFORD POLICE SERVICES BOARD
POLICY #04-01**

Re: Accommodation for Persons with Disabilities

1. PREAMBLE

- a. This policy provides for the accommodation of persons with disabilities or persons injured in the course of employment. It is the intent of the Brantford Police Services Board (Board) to be a fair and equitable employer by providing accommodation for persons with disabilities, whenever possible, unless it results in undue hardship, in accordance with the *Ontario Human Rights Code, 1990*.
- b. Short of undue hardship:
 - i. employees with a disability are to receive the accommodation they require in a way that is equitable, respects their dignity, maximizes their ability to contribute and enables them to participate in all aspects of employment with the Service;
 - ii. applicants to the Service are to receive the accommodation they require in a way that is equitable, respects their dignity and maximizes their ability to compete for employment within the Service.

2. SCOPE

- a. This policy applies to all employees of the Brantford Police Services Board. In order to provide equality in hiring practices, this policy also applies to persons with disabilities who seek employment with the Brantford Police Service (Service).

3. RESPONSIBILITIES

- a. The search for appropriate accommodation is a multi-party exercise. Along with the employer and the Associations, there is also a duty on the member to assist in securing appropriate accommodation.
- b. The Board is responsible for carrying out the intent of the policy, and to respect its obligations to offer modified duties to those employees who become mentally or physically disabled.
- c. The Chief of Police, or designate, is responsible to manage the activities under this policy.
- d. Supervisors are to ensure the climate of the workplace is respectful to persons with disabilities. Discrimination and harassment are not to be tolerated.

- e. The Associations of the Brantford Police Service are responsible for participating in carrying out the intent of this policy as it affects their collective agreements.
- f. The member requesting an accommodation is responsible for communicating and cooperating in the search for reasonable accommodation.

4. **DEFINITION OF DISABILITY**

- a. For the purposes of this policy, the Board considers the term "handicap" and "disability" synonymous.
- b. The definition of disability is set out in section 10(1) of the Human Rights Code, with the following summary definition adopted by the Board:

"Any person with a persistent or prolonged physical, mental or learning disability that affects the day to day work and prevents the person from performing the essential duties or requirements of the position."

5. **ESSENTIAL DUTIES/REQUIREMENTS OF THE POSITION**

- a. The essential duties and physical needs or requirements of the positions employed by the Board are as follows:

- i. **Police Officers**

- The bona fide essential duties of the position of police officer are those defined by the *Police Services Act* [Section 42.(1)], and further defined in the Service and Board Policies and Procedures, and Service Routine Orders.
- The bona fide physical demands needs are those defined in the *Police Services Act* [Section 43(1)(c)]. The Board considers the positions of Police Constable, Sergeant and Staff Sergeant to have bona fide physical demand needs.
- Further, it is the policy of the Board to encourage all police officers to achieve the average Canadian physical fitness standards for their age grouping.

- ii. **Civilian Members**

- The Board considers the positions of Court Constable and Special Constable to have bona fide physical demands needs.
- The bona fide essential duties for Civilian member positions are as outlined in the up-to-date position descriptions

prepared for each unique position. Physical demands assessments will be undertaken when required.

- b. An examination of each accommodation request will occur based on the individual request and the accommodation required for the person to perform the essential duties or requirements of the position.

6. **DEFINITION OF ACCOMMODATION**

- a. It is the intent of the Board to provide accommodation measures in the following three major areas, except where the accommodation causes undue hardship to the Board. The examples provided in each of the three major areas are not intended to be all inclusive.

- i. **Position Accommodation**

Position accommodation includes modifications to the essential duties and physical demands of the position to make the disabled employee's current position suitable. Examples of accommodation may include:

- altering the way in which tasks are accomplished in order to allow for a person's disability;
- considering reassignment to a vacant position at that position's current salary and benefit level, provided the person with a disability has the ability to perform the essential duties of the vacant position, or has the capability to be trained to perform the essential duties;
- in the context of accommodations which are long term or permanent in nature, alternative assignments within the Service will be considered and the employee will be compensated at the rate applicable to the assigned position to ensure equity in compensation between disabled and able-bodied employees who are discharging the same duties.

In the context of accommodations which are long term or permanent in nature, disabled employees will be compensated at the rate applicable to their assigned position. This will ensure equity in compensation between disabled and able-bodied employees who are discharging the same duties.

- ii. **Operational Accommodation**

Operational accommodation includes physical or technological provisions that make the workplace facilities accessible and

suitable to persons with disabilities. Examples of accommodations may include:

- making buildings accessible;
- adapting equipment or providing special devices or supports;
- providing technical aids or devices;
- redesigning work stations, and
- bundling together existing jobs to constitute a suitable alternative position.

iii. Support Accommodation

Support accommodation measures include those that provide emotional support. Examples of accommodation may include:

- providing a member assistance program,
- providing sensitivity training in understanding disabilities for co-workers and supervisors.

7. CONSIDERATION FOR ACCOMMODATION

- a. The following factors will be considered when accommodating the needs of persons with disabilities:
- i. The needs of persons with disabilities will be accommodated in a manner that respects their dignity without creating undue hardship.
 - ii. The person's current needs and abilities will be assessed.
 - iii. Each person with a disability will be considered individually.
 - iv. In situations where the accommodation or the needs of a person or group of persons with disabilities causes undue hardship if undertaken all at the same time, changes will be phased-in over a reasonable period of time. Where an accommodation is being phased-in over a period of time, it may be necessary to provide partial form of accommodation until the full, desirable form of accommodation is available.
- b. Individuals are entitled to reasonable forms of accommodation which minimize undue operational interference.
- c. If the needs of an individual can be accommodated without undue hardship, the individual accommodation will be made.

8. CONSIDERATION FOR UNDUE HARDSHIP

- a. Accommodation will be provided whenever possible, unless the accommodation causes undue hardship.

- b. The factors considered when assessing the ability to accommodate are:
 - i. cost, including the availability of outside sources of funding;
 - ii. health and safety requirements;
 - iii. the impact on the Board's ability to adequately render policing services to the community;
 - iv. the relative interchangeability of the workforce at any given time, and
 - v. the degree of interference with the rights of other employees.
- c. The majority of the essential duties of a police officer and the identified civilian members' functions that are fixed by statute or by common law. Few contemplate the core duties as excluding public interaction which may demand urgent responses to fluid, potentially violent, circumstances. The Board shall give significant consideration to the health and safety risk relating to the disabled individual, the public, and other members of the Service.

9. PROCEDURES FOR ASSESSING ACCOMMODATION REQUIREMENTS

- a. The individual requesting accommodation shall do so in writing to the Chief of Police, specifying the basis of the need for accommodation and specific accommodation requested. The individual is responsible for cooperating with the Chief of Police or designate in the determination of the potential for accommodation.
- b. The Chief of Police or designate examines the essential duties and physical demands of the position and determines if the position duties and physical demands of the position can be accommodated without causing a health and safety risk to the disabled member, the public or other members.
- c. The Chief of Police or designate may request relevant medical examinations, assessments or reports from regulated health care professionals as may be required from time to time pursuant to this policy. The information will be communicated to and held in confidence by the Chief of Police or designate to the extent necessary to facilitate the accommodation process. The Board is responsible for covering the cost of the member's medical examination.
- d. Medical information/examination/assessment will only be requested after a member has requested accommodation or after an offer of employment has been made in writing to a potential member.
- e. The health care provider will be provided with the essential duties of the job and such other information relevant to the individual's request for accommodation.
- f. The Chief of Police will assess the accommodation requirements of persons with disabilities based on bona fide position and physical demand requirements and implement such accommodations that can be made

without causing undue hardship. The member will receive a written decision with respect to their request for accommodation from the Chief of Police.

- g. The accommodating of a disabled member is an ongoing process. Members will be required to provide updated information regarding their disability as directed by the Chief of Police or designate.

10. CONSIDERATION FOR RE-EMPLOYMENT OBLIGATIONS

- a. The Board respects that its re-employment obligations under the *Workplace Safety and Insurance Act* occur under the following circumstances:
 - i. that the work injury or illness to the member occurs after January 2, 1990, and
 - ii. that the member has been continuously employed for at least one year prior to the date of the injury.
- b. The Board is obligated to re-employ a member until the earlier of:
 - i. two years after the date of the workplace injury;
 - ii. one year after the date that the Workplace Safety Insurance Board (WSIB) notifies the Board that the member is medically able to perform the essential duties of the member's pre-injury employment;
 - iii. the day that the member reaches 65 years of age.
- c. The WSIB will make the primary medical determination as to when a member may return to work, and if the member is medically capable of performing the essential duties of the pre-injury employment or is medically able to perform suitable work, and will inform the Board in writing accordingly.
- d. If the WSIB determines that the member is able to perform the essential duties of the member's pre-injury employment, the Board will offer to reinstate the member in the position that the member held on the date of the injury or offer to provide the member with alternative employment of a nature and at earnings comparable to the member's employment on that date.
- e. If the WSIB determines that the member, although unable to perform the essential duties of the pre-injury employment, is medically able to perform suitable employment, the Board will offer the member the first opportunity to accept suitable employment that may become available.
- f. With references to paragraphs d. and e. above, the Board will accommodate the work or the workplace to the needs of the member to the extent that the accommodation does not cause the Board undue hardship as outlined in paragraph 8 of this policy.

- g. The Board will inform the WSIB in writing of the way that it intends to accommodate the work or the workplace to the needs of the member.

PASSED – November 23, 2004

AMENDED – September 15, 2011