

REASONABLE ACCOMMODATION

Overview

The Company is committed to creating and maintaining an inclusive and non-discriminatory workplace for employees and potential employees. An inclusive workplace for employees presumes an environment where differences are accepted, recognized and integrated into current structures, planning and decision making. An inclusive environment values diversity and difference and is based on mutual respect, dignity for all, and full and equitable opportunity and participation at the Company.

This policy applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work.

Policy

The Duty to Accommodate:

The duty to accommodate refers to the Company's obligation to take steps to the point of undue hardship, as described by the Human Rights Code (Code) to adjust or modify the work environment or the method of doing work in order to address the individual needs of employees who are protected from discrimination under the applicable laws.

Individuals requesting accommodation are involved and included in the development of accommodation measures to address their need; likewise, individuals are encouraged to communicate any known accommodation requirements and to cooperate in the accommodation process.

Commitment to provide reasonable accommodation:

The Company will treat all persons equally with respect to employment and provide employees with reasonable accommodation in employment, to the point of undue hardship.

The Company will, through the process of accommodation, enable employees to perform the essential requirements of their jobs in accordance with the principles of dignity, individualization and inclusion.

The Company will work cooperatively with all partners in the accommodation process and will provide accommodation to employees on an individual basis.

Confidentiality:

The Company is committed to maintaining confidentiality when providing accommodation to employees and will only disclose an employee's personal information when necessary to provide the accommodation or as otherwise permitted by law.

Accommodation of job applicants:

The Company will extend offers of reasonable accommodation to job applicants during the job application process where such is requested. The Company will provide accommodation for needs related to the grounds of the applicable laws, unless to do so would cause undue hardship.

The Company is committed to reviewing its policies and benefits on an ongoing basis. Accordingly, the policies and benefits outlined are subject to review and change by the Company at any time with reasonable notice.

Process:

Accommodation is a multi-party process in which every party has a responsibility to cooperate. As such all stakeholders of the Company have a role to play in creating and maintaining an inclusive and non-discriminatory workplace.

Company Responsibility:

To satisfy its obligations in an accommodation process, the Company shall:

- Engage in an adequate process and take sufficient measures to accommodate to the point of undue hardship.
- Be proactive by building accommodation options into new structures and systems.
- Inform employees who are in supervisory roles of their responsibilities to engage in employee accommodation, providing training on best practices in accommodation and encouraging them to utilize People and Culture for advice and guidance.

When a request is made for accommodation, the request shall be taken seriously and considered in a timely and respectful manner.

Where the initial information provided by the employee is not sufficient to determine an appropriate accommodation, the Company may, at its discretion, request additional information from a medical or other professional to assess the employee's specific workplace restrictions or modification requirements, including information regarding how long the accommodation may be necessary, where it determines this to be relevant to the assessment.

Employees are not required to disclose or discuss their disability or other protected characteristic unless they require accommodation. Generally, employees are only obligated to discuss their requirements with those that need to know. This could include a supervisor or People and Culture.

However, where based on an employee's behaviour or performance, an employer has reason to question whether the employee may have addiction or mental health issues that are impacting performance, the employer has a duty to inquire and may be required to take steps to offer the employee reasonable accommodation.

More specifically, the employer should:

- Determine if the request for accommodation is based on a protected characteristic.
- Review supporting medical or other information and determine if clarification or further support for request is necessary.
- Listen to and consider the needs of the employee seeking accommodation and their suggestions for accommodation.
- Document the request for accommodation and the process of assessing the request and communications with employee.
- Obtain consent from the employee to request further relevant medical or other information if required.
- Determine to what extent the employee can perform existing job duties and identify essential duties that fall within employee's restrictions

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Employee Responsibility:

- Employees should advise their employer of their need for an accommodation in a timely manner. In the event that an accommodation is required, the affected employee shall contact People and Culture directly.
- The request for accommodation must be based on evidence from a medical professional explaining the impact of a disability or other protected characteristic on the employee's ability to perform their regular duties.
- Co-operate with the employer by providing relevant information to assist in the assessment of the accommodation request and to assist in providing reasonable suggestions as to measures that would meet the accommodation needs.
- Perform the requirements as outlined in the accommodation plan and provide feedback to the Company as to how the plan is being fulfilled.
- Employees seeking accommodation are required to participate and cooperate in accommodation efforts on an ongoing basis including communicating with the Company if modifications to the accommodation plan are required or if accommodation is no longer required.
- Employees must be prepared to accept reasonable solutions.

Creating an Accommodation Plan:

The Supervisor will prepare an accommodation plan which will outline the nature of the accommodation to be provided and the duration. Input will be obtained from the employee. It is particularly important that all parties work together to establish objectives for the individuals' accommodation plan, to explore the range of accommodation options available and to develop criteria that will be used to select from among the various options.

The following are key components of the employment accommodation process for individuals. They are intended to help ensure timely and effective outcomes. The components should be interpreted with flexibility and modified according to the specific needs of each request:

- Identify needs
- Identify and analyze barriers to performance or participation
- Define accommodation objectives
- Provide interim accommodation
- Investigate, test and select accommodation options
- Implement accommodation
- Provide accommodation training if required
- Follow-up and evaluate

If an employee cannot be accommodated in their current position:

In some cases, it is not reasonable to accommodate an employee due to undue hardship and it may be reasonable to accommodate this individual in another position. The People and Culture team, working with appropriate supervisors and the employee, will attempt to place the employee in another available position. This may require the assistance of third parties with specialized expertise.

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The factors which will be considered in determining whether the individual will be placed in an alternate position include:

- Whether the individual can perform the essential duties of the alternate position;
- Whether the individual is currently qualified for the alternate position or can be trained to perform it within a reasonable time;
- Whether placing the individual in the alternate position would result in undue hardship;
- Whether the alternate position is acceptable to the individual seeking accommodation.

Job Redesign:

If the accommodation for an employee results in a reduction of hours, or if there is a significant reallocation of work duties to the extent that the appointment or job has changed, the position will be re-evaluated, and a new Offer of Employment will be presented to the employee.

The Accommodation Plan may involve long term job redesign for co-workers for the duration of the accommodation, however, no co-worker will be disadvantaged because of the accommodation.

Undue Hardship:

The Code provides that the employer must accommodate the disability or other protected characteristic, unless it can be demonstrated that no appropriate accommodation exists or that providing the accommodation would cause undue hardship to the Company. The factors considered in assessing undue hardship include cost, outside sources of funding, if any, and health and safety factors may also be relevant.

Health and Safety Risk:

Situations may exist where health or safety requirements, legislated or not, effectively exclude a person with a disability or other protected characteristic from employment. Even with alternative precautions in place, a health and safety risk to a person who requires accommodation or to others may remain. If the remaining risk only affects the person who requires accommodation, the department may be obliged to explain the potential risk to the individual and allow the person to decide if they will assume the risk. If the remaining risk affects others and the seriousness of the risk outweighs the benefits of the equality, "undue hardship" exists according to the Code.

Compliance

Failure to abide by the terms of this policy may result in appropriate progressive discipline action by the Company, up to and including termination.

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