



**DURHAM CATHOLIC
DISTRICT SCHOOL BOARD**
Learning and Living in Faith

POLICY – 312

Disability Management

Area: Human Resource Services
Source: Superintendent of Human Resource Services

Approved: May 7, 2018
Revised:

1. Introduction

The Durham Catholic District School Board (the “Board”) believes its employees are its most valuable asset. The Board is committed to providing a healthy environment, to assist employees in maintaining good health, and to provide necessary supports to those working with an illness, injury, or disability.

2. Definitions

Disability (*Accessibility for Ontarians with Disabilities Act, 2005*) –

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- b) a condition of mental impairment or a developmental disability,
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- d) a mental disorder, or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

Occupational Illness (*Occupational Health and Safety Act*) – a condition that results from exposure in a workplace to a physical, chemical or biological agent to the extent

that the normal physiological mechanisms are affected and the health of the worker is impaired thereby and includes an occupational disease for which a worker is entitled to benefits under the *Workplace Safety and Insurance Act, 1997*;

3. Purpose

The purpose of this policy and its attendant administrative procedures is to ensure a systematic and integrated application with respect to accommodating employees in the workplace. Together the policy and procedures provide guidance in the identification and support of employees requiring assistance and develop proactive and preventative measures to ensure compliance with the requirements of the Occupational Health and Safety Act; the Workplace Safety and Insurance Act (WSIA); Accessibility for Ontarians with Disability Act 2005; Ontarians with Disabilities Act 2001 and the Ontario Human Rights Code. To protect operational integrity, the Board also has a legitimate interest in having healthy employees at work on a regular basis with minimal absenteeism.

4. Application / Scope

This policy applies to every employee of the Board.

5. Principles

- 5.1 With a focus on respecting the dignity and worth of all employees, the Board recognizes:
 - 5.1.1 its responsibility to implement an effective and collaborative process for managing absence, occupational or non-occupational illness and/or disability in the workplace;
 - 5.1.2 its responsibility to assist and support employees experiencing occupational or non-occupational illness and/or disability to achieve maximum recovery and optimal function;
 - 5.1.3 its responsibility to develop a comprehensive strategy to establish best practices to manage modified work programs arising from occupational or non-occupational illness and/or disability in the workplace;
 - 5.1.4 the importance of accommodating occupational or non-occupational illnesses and/or disabilities in the workplace;
 - 5.1.5 the important roles that the Board as an employer, and all employees and their representatives play in ensuring the effectiveness of the disability management program;
 - 5.1.6 reducing the risk of occupational or non-occupational illnesses and/or disabilities is related to proactive health, safety and wellness programs, a well-functioning Joint Health and Safety Committee, including but not limited to, employee educational and training initiatives.

6. Requirements

6.1 The Board:

- 6.1.1 has the duty to accommodate to the point of undue hardship.
 - 6.1.2 will make every effort to provide meaningful modified work.
 - 6.1.3 will develop disability and other related strategies designed to decrease the prevalence and severity of occupational and non-occupational illness and/or disability.
 - 6.1.4 and its unions and professional associations have joint responsibilities to facilitate and assist in the workplace accommodation process.
 - 6.1.5 will inform all staff of their individual rights and responsibilities regarding participation in the a Disability Management process, including modified work.
 - 6.1.7 will monitor the effectiveness of timely and appropriate treatment for those who have sustained an occupational or non-occupational illness and/or disability.
 - 6.1.8 will only request information which is necessary to facilitate a reasonable accommodation.
 - 6.1.9 is committed to providing temporary modified work assignments (when medically supported) to employees who are unable to perform their full regular duties for which they are employed because of occupational or non-occupational illness or other disability.
 - 6.1.10 is committed to providing permanent work assignments to employees with permanent medical restrictions, based on objective medical findings, as substantiated by qualified and accepted healthcare practitioners, and suitable job vacancies consistent with an employee's skills, abilities and qualifications, whenever possible.
- 6.2 The employee has a duty to fully cooperate with the employer in the workplace accommodation process, and such duty may include providing appropriate, current medical information identifying restrictions, and confirming a need to be accommodated, to an appropriate member of management, that may be involved in facilitating the accommodation.
- 6.3 The Director of Education or designate, shall issue administrative procedures to support this policy and amend them thereafter as the need may arise.

7. Sources

- 7.1 DCDSB/APSSP Collective Agreement

- 7.2 DCDSB/CUPE Educational Assistants Collective Agreement
- 7.3 DCDSB/CUPE Facilities Services Collective Agreement
- 7.4 DCDSB/CUPE Secretarial/Clerical/Technical Collective Agreement
- 7.5 DCDSB/ETFO Collective Agreement
- 7.6 DCDSB/OECTA Elementary Teachers' Collective Agreement
- 7.7 DCDSB/OECTA Occasional Teachers' Collective Agreement
- 7.8 DCDSB/OECTA Secondary Teachers' Collective Agreement
- 7.9 DCDSB/Chaplains Terms and Conditions of Employment
- 7.10 DCDSB/CPCO Principals and Vice Principals Terms and Conditions of Employment
- 7.11 DCDSB/Middle Management Terms and Conditions of Employment
- 7.12 DCDSB/Non Union Terms and Conditions of Employment
- 7.13 DCDSB Long Term Disability Benefits Plans *Occupational Health and Safety Act, 1990 Workers' Safety and Insurance Act, 1997 Ontario Human Rights Code, 1990*
- 7.14 *Personal Health Information Protection Act (2004) PIPEDA*
- 7.15 *Freedom of Information and Protection of Privacy Act*
- 7.16 Accessibility for Ontarians with Disability Act 2005
- 7.17 Ontarians with Disabilities Act 2001

8. Related Policies and Administrative Procedures

- 8.1 AP312-1 – Disability Management Administrative Procedure
- 8.2 AP312-2 – Substance Abuse Intervention/Prevention Administrative Procedure
- 8.3 PO321 – Employee Attendance Support Policy
- 8.4 AP321-1 – Employee Attendance Support Administrative Procedure
- 8.5 AP328-6 – Modified Work Program Administrative Procedure