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# Accommodation Policy & Guidelines For Management & Employees

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Ontario

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# Accommodation Policy & Guidelines for Management & Employees

## 1. Policy & Purpose

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Mattamy Homes is committed to creating and maintaining an inclusive and barrier-free environment that values our employees, homeowners and third party contractors. Our goal is to improve the quality of work life by using fair and consistent treatment to ensure the full participation of all employees.

To this end, when accommodation for a disability is required in accordance with applicable legislation, Mattamy Homes will, where it is possible and reasonable to do so and does not cause undue hardship, alter existing policies or practices, adopt new policies or practices, make adjustments to the worksite, or re-assign employees unable to perform the duties of their job to alternate work assignments. This Policy provides guidance for the provision of these accommodations for disabilities for all current and potential employees.

## 2. Definitions

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**“Accessibility”** with respect to the *Accessibility for Ontarians with Disabilities Act, 2005* (the “Act”), lays the framework for the development of province-wide mandatory standards on accessibility in all areas of daily life. The Act requires employers and service providers to identify, remove and prevent barriers to accessibility for people with disabilities.

**“Accommodation”** is a measure taken to eliminate disadvantage to employees resulting from a policy, practice, or physical barrier that has or may have an adverse impact on individuals or groups protected under the *Human Rights Code*. The duty to accommodate often applies to persons with a physical or mental disability, but it also includes: sex, age, family status, ethnic origin, religion and other protected characteristics.

**“Disability”** is defined as:

- 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 coordination, 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;
- a condition of mental impairment or developmental disability;
- a learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

**“Employee”** is defined as any individual who has a contractual agreement with Mattamy Homes to perform services in return for remuneration and may perform such services on a full-time, part-time, contract or occasional basis. For purposes of this Policy, an “Employee” may also include an individual who is a volunteer.

**“Individual Accommodation Plan” (IAP)** is a formal way of recording and reviewing individualized workplace-related accommodation that will be provided to an employee with a disability. This information and individualized plan are recorded in the Individual Accommodation Plan Form.

“*Undue Hardship*” is roughly defined as an accommodating action that places significant difficulty, expense, poses a Health & Safety risk or interferes with the rights of others under the *Human Rights Code*.

### 3. Roles & Responsibilities

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#### The Company

Mattamy Homes is responsible for implementing this Policy. We will advise all employees about their right to accommodation throughout the employment life cycle and will work directly with employees with disabilities in identifying the most suitable accommodation to meet their needs.

Mattamy Homes is responsible for:

- Ensuring that all employees are provided access to this Policy. A copy of this policy will be accessible by hard copy at all construction sites, is available on the external Company website and will also be available on the Company intranet under the Policies tab, Section: Accessibility at <https://mattamycorp.sharepoint.com/sites/HR/SitePages/09Accessibility.aspx>.
- Educating managers about their role in accommodation and ensure they abide by this Policy;
- Making available the resources necessary for implementing this Policy;
- Participating and cooperating with all parties to facilitate the accommodation while respecting the dignity of all employees;
- Providing accommodation up to the point of undue hardship;
- Respecting employees’ rights to privacy and confidentiality;
- Providing accessible formats and communication supports of job related information or information that is generally available to all employees, in a timely manner, upon request.

Identifying and implementing a suitable accommodation plan is a shared responsibility between employees and management, with support from Human Resources. The employee’s Manager or Human Resources may request relevant documentation from the employee to support the need for accommodation.

#### The Employee:

The needs of the employee with a disability are central to the accommodation process. The employee has the responsibility to request accommodation, including identifying, where possible, the types of accommodation they consider appropriate to meet the needs of their disability.

Each employee is responsible for:

- Making the request for accommodation to their manager, preferably in writing identifying the type of accommodation required, if possible;
- Participating in a collaborative manner to facilitate the accommodation process and development of the Individual Accommodation Plan (IAP);
- Providing the necessary information and documentation when requested, e.g. appropriate medical confirmation and certification of the need for accommodation, at the Company’s reasonable expense;
- Responding in a good faith and reasonable manner to proposals put forward by Mattamy Homes;
- Work with Mattamy Homes and their manager;
- Informing a new manager to which they report to of an existing Individual Accommodation Plan.

**Forms to complete:** *Individual Accommodation Plan Request Form* → *Employee Section, Page 1*

*Optional forms as required: Functional Abilities Form*

*Location: Company Intranet under People and Culture → Accessibility → Individual Accommodation Plan Request Form*

*\*Site Employees – Ask your Community Administrator for a copy of the form*

### **The Manager:**

Each manager is responsible for:

- Creating an inclusive and supportive work environment;
- Working with Human Resources assessing each employee's request for accommodation;
- Working collaboratively with the employee and/or representative;
- Requesting only the job-related functional abilities information (as opposed to medical information pertaining to the disability) that is required to determine appropriate accommodation;
- Approving the request, in partnership with Human Resources, if it is determined that the employee will be able to perform the essential duties of the job and no undue hardship to Mattamy Homes would result;
- Identifying and collaborating with the employee on any individualized workplace emergency response information or plans are required;
- Consulting with an employee who requests an accessible format of information or communication supports and provide or arrange to provide the identified format or support in a timely manner;
- Seeking to achieve a positive outcome by finding alternative ways of fulfilling the request where possible, up to the point of undue hardship;
- Respecting the privacy and confidentiality of the employee's request;
- Contacting Human Resources for assistance as necessary to determine the Company's ability to provide accommodation to the employee with a disability;
- Monitoring the accommodation in cooperation with the employee to ensure it effectively addresses the disability requirements;
- Formally reviewing the Individual Accommodation Plan with the employee at predetermined intervals or if the employee's work location or position changes.

*Forms to complete: Individual Accommodation Plan Request Form → Employer Section, Page 2*

*Optional Forms as required: Functional Abilities Form; Individualized Emergency Response Plan Form*

*Location: Company Intranet under People and Culture → Accessibility*

### **Human Resources:**

On receiving a request for accommodation, Human Resources will:

- Work with the employee with a disability and manager in an efficient manner to find the most appropriate means of accommodation to address the needs of the employee;
- Ensure that the employee participates in the selection process as fully as possible;
- Seek the advice of a specialist or agency, with the employee's consent, where the request involves issues outside the expertise of Mattamy Homes;
- Consult with the senior management if an accommodation request requires a commitment of resources which Human Resources believes is beyond the budget for accommodation or raises the likelihood of undue hardship;
- Facilitate employee re-integration to the workplace through planning, implementation, and co-

- ordination of timely modified work programs;
- Secure documents in the confidential digital employee file.

#### 4. Examples of Accommodation

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Types of accommodation may include, but are not limited to:

- Ensuring information is accessible and available in accessible formats in a reasonable time frame upon request;
- Task or work site/station modification so long as the employee can still perform the essential duties of the position they are employed to perform;
- Gradual increase in hours/days worked over a specified time as a return to work modification;
- Allowing extra time, where appropriate, for tests or training to allow for language, literacy and comprehension limitations;
- Adapting training programs/presentations, meetings to the needs of employees with disabilities, including learning disabilities, vision and/or hearing impairment.

#### 5. Undue Hardship

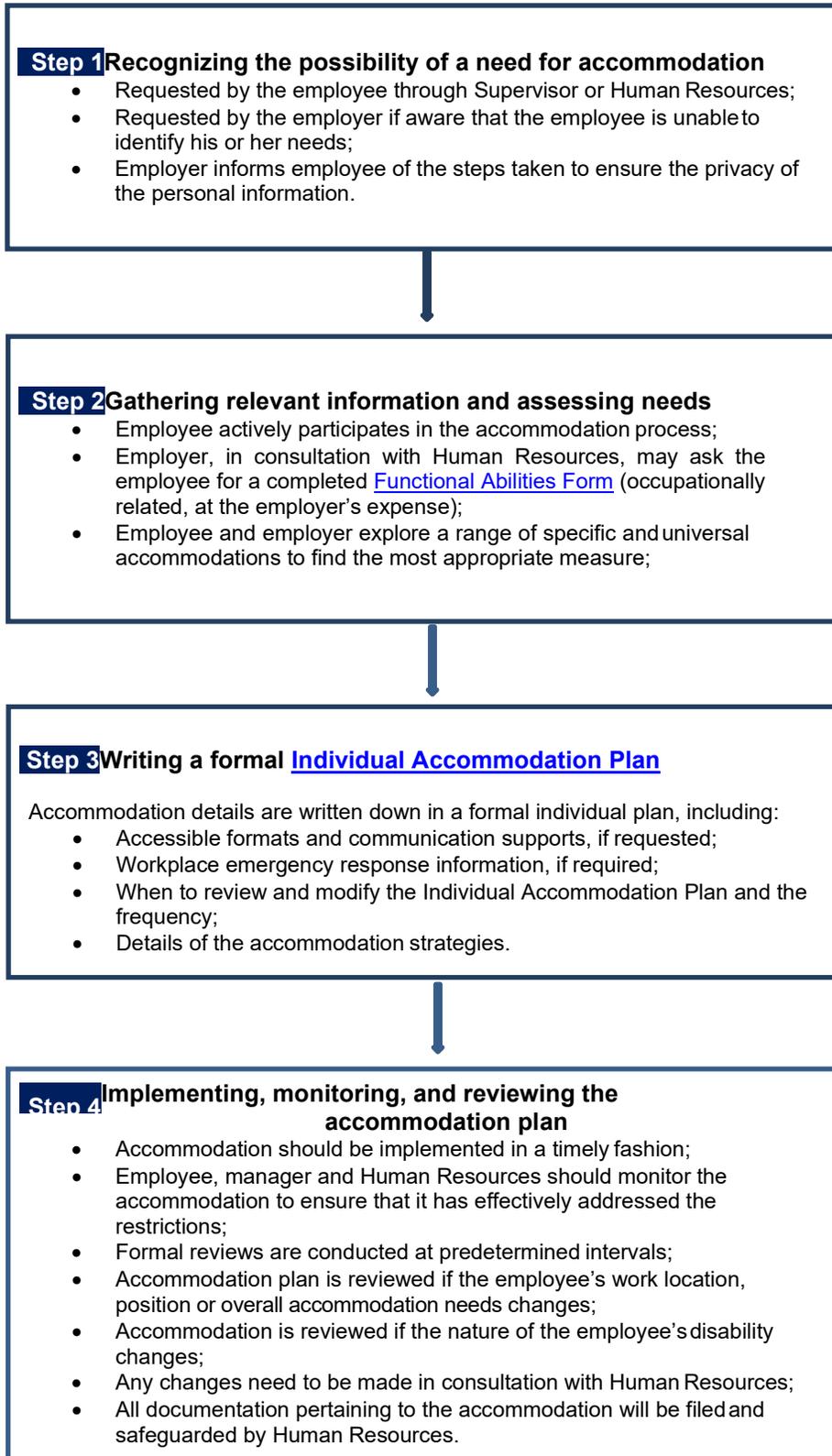
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The Ontario Human Rights Code requires that accommodation be provided up to the point of undue hardship. Undue hardship is determined on a case-by-case basis. Examples of criteria used to determine undue hardship are:

- **Health and safety concerns** where the benefit of accommodation does not outweigh the risks undertaken;
- **Cost** that can be measured and to the point that they would threaten the continued successful operation of the business, alter the essential nature of the enterprise, or substantially affect the Company's viability;
- **All external funding** options have been investigated and/or exhausted; and/or
- **Interference** with the rights of others under the *Human Rights Code*.

If any of these factors create a burden which cannot be reasonably borne by Mattamy Homes, the obligation to accommodate is suspended. This would be determined by Human Resources and Senior Leadership.

## 6. Accommodation Process Map





*Forms to complete prior to RTW: Employee Return to Work Plan & Functional Abilities Form*

*Location: Company Intranet under People and Culture → Accessibility*

## 8. Appeal Process

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Should an accommodation request be denied or an alternative accommodation effort offered, the employee requesting the accommodation will be informed of:

- The reasons for the decision verbally and/or in writing;
- The right to request a review of the decision.

The employee may submit a written request for reconsideration to Human Resources.

## 9. Monitoring and Review

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Mattamy Homes will review this Policy on a regular basis and will make revisions as necessary. Updated versions of this policy will be made accessible to all employees as soon as practicable.

Regular monitoring of Individual Accommodation Plans (IAP) is important to ensuring the continued relevancy and efficacy of the plan in meeting the needs of employees with disabilities.

Managers are responsible for reviewing the IAP regularly with the employee, taking into consideration the following:

- *The IAP should be reviewed at the earlier of:*
  - The review date as set forth in the written IAP form;
  - The employee no longer requires an accommodation (such as in the case of a temporary disability or limitation);
  - A change in the nature of the disability, requiring a different accommodation measure;
  - A change in the workplace, conditions or location that may have resulted in new challenges for the employee.

## 10. Recruitment, Assessment and Selection Processes

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Mattamy Homes will take the following steps to notify the public and employees that, when requested, Mattamy Homes will accommodate people with disabilities during the recruitment, assessment and selection processes and when people are hired:

- Let the public and employees know through our career page on our website and job postings that we will accommodate disabilities during the recruitment and assessment processes, upon request;
- If an applicant selected to participate in an assessment or selection process requests accommodation, we will consult with them to understand and make arrangements to accommodate their needs in relation to the materials or processes to be used, where practicable;
- We will notify new hires in our offers of employment of our policies for accommodating employees with disabilities;
- We will ensure employees know of our policies used to support its employees with disabilities through posting of our policies to our intranet and new hire orientation, and will update employees whenever there is a change made to existing policies; and
- We will consult with individual employees with disabilities when requested, to provide accessible formats and communication supports for information needed for the employees to perform the job and that is generally available to employees in the workplace.

## 11. Accessibility & Performance Management, Development & Advancement

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### **Assessing Performance in an Employee with a Disability:**

When assessing the performance of an employee with a disability, a common area of confusion is differentiating between performance-related issues and disability-related issues. For example, an individual with a developmental or intellectual disability may take longer to complete a task (a disability-related issue), but may also be consistently arriving late at work due to sleeping in (a performance-related issue).

Managers are responsible for:

- Setting clear performance objectives around timing, quality, and priorities to avoid unconscious bias toward the disability or accommodation;
- Requesting the employee provide functional abilities information from a health provider if required to differentiate limitations due to a disability versus performance;
- Reviewing existing Individual Accommodation Plans for employees with disabilities prior to commencing a performance management meeting;
- Ensuring the format and location of the performance management meeting take the employee's accessibility needs into consideration;
- Ensuring that the employee's disability and accommodation requirements are taken into account in the assessment and discussion.

### **Career Development & Advancement Opportunities:**

Mattamy Homes is strongly committed to equity and fairness for individuals at all levels within the organization. It is Company policy to provide equal treatment with respect to employment, training, career opportunities, compensation and all other conditions of employment based on position-related qualifications. In accordance with the Ontario Human Rights Code, this is done without discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, gender identity, gender expression, family status or disability.

Career development and advancement can include additional responsibilities within a current position, or a change in position within the Company that may be greater in responsibility, pay, or level.

Mattamy Homes is responsible for:

- Tailoring training, development and career advancement programs generally accessible to all employees to the specific needs as identified in the Individual Accommodation Plans of employees with disabilities.

Managers are responsible for:

- Incorporating career development discussions and plans into the ongoing management of employees with disabilities, where Mattamy has integrated such practices for the management of employees in general;
- Reviewing Individual Accommodation Plans or accessibility needs of employees with disabilities and taking these requirements into consideration when providing a development or advancement opportunity for those employees.

## 12. Confidentiality

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All conversations and documents relating to specific requests for accommodation will be kept confidential and will only be disclosed with the express consent of the employee, in an emergency situation or as required by law.

## 13. Document Management Procedures

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Requests for workplace and/or disability accommodation and all discussions and communication regarding these requests will be documented by the responsible manager.

Managers should ensure that the privacy of the employee is appropriately protected. All original documentation specific to the employee's disability accommodation is to be forwarded to their Human Resources representative or the HR Coordinator to be kept in the employee's secure electronic file.

All physical copies of employee accommodation plans kept at divisional offices or construction sites, for the purposes of periodic referral to the plan, must be locked in a secure filing cabinet.

Access to the IAP will only be provided to authorized individuals whose involvement is required to facilitate the IAP, including but not limited to:

- The employee or a representative on their behalf;
- The manager and/or senior management of the employee;
- The designated Human Resources representative;
- An authorized third party such as a medical professional or Return to Work Coordinator.