Human Rights Policy (Accommodation)

Intent

CRFHT is committed to providing equal rights and opportunities to all employees. The company takes all reasonable measures to ensure employees and job candidates are treated with dignity and respect, are free from discrimination in the workplace, and receive reasonable accommodation where appropriate.

Definitions

Discrimination: Any form of unequal treatment based on a prohibited ground. Discrimination can be direct or indirect, intentional or unintentional, but in all cases has the effect of disadvantaging an individual or group.

Harassment: Engaging in a course of vexatious comment or conduct that is known or ought to be known to be unwelcome. Harassment can also include a single, severe incident.

Reprisal: Actions or threats intended to retaliate against an individual for claiming or enforcing a right under Ontario's *Human Rights Code*.

Sexual harassment: Harassment that is based on sex, sexual orientation, gender expression, or gender identity. Sexual harassment includes where an employee in a position of power makes a sexual solicitation or advance or threatens reprisal if a sexual solicitation or advance is rejected.

Guidelines

CRFHT is responsible for ensuring a healthy and inclusive work environment. This policy outlines the company's commitment to a discrimination-free environment, including how requests for accommodation and complaints of discrimination are investigated and addressed.

Prohibited Grounds

In accordance with Ontario's *Human Rights Code*, CRFHT prohibits discrimination and harassment based on any of the following grounds, or a combination of these grounds:

- Age;
- Ancestry;
- Citizenship;
- Colour;
- Creed;
- Disability (mental or physical);
- Ethnic origin;
- Family status;
- Gender expression;
- Gender identity;
- Marital status;
- Place of origin;
- Race;
- Record of offences;
- Sex; and
- Sexual orientation.

CRFHT further prohibits sexual harassment. We are committed to ensuring a workplace free from unwelcome sexual advances, including from those in a position of power or authority in the company, in line with our Workplace Violence and Harassment Policy.

Reprisal against any employee who makes a good faith complaint about discrimination or harassment on any of these prohibited grounds, including sexual harassment, is prohibited, whether or not the complaint is found to be valid.

Accommodation

CRFHT acknowledges that, in some cases, employees must be treated differently in order to receive equal benefit and opportunity as their colleagues. The company is committed to providing accessibility across all stages of the employment cycle.

A need for accommodation may arise from any of the prohibited grounds listed above, and may relate to hiring, job duties or other company policies and procedures. Accommodation will be provided when it is necessary and reasonable, to the point of undue hardship, and may not reflect an employee's preferred accommodation measure. Accommodation may be temporary or permanent, partial or full, depending on the circumstances.

Procedures for Requesting Accommodation

The company will consider any request for accommodation arising from a prohibited ground that is made by an employee or job candidate. Requests for accommodation must be made to management in writing as soon as possible. Requests for accommodation will be disclosed to individuals on a need-to-know basis and only as necessary to investigate or implement the request.

As soon as possible upon receipt of an accommodation request, CRFHT will open a dialogue with the employee and other individuals as necessary, such as healthcare professionals, third parties, or (if applicable) union representatives. This is a consultative process, intended to ensure that accommodation measures are effective, mutually agreeable, and do not result in discrimination against other protected employees.

The employee has a responsibility to participate in the accommodation dialogue. If an employee fails to participate in the accommodation dialogue, the company will use the information provided and determine the accommodation measures to be applied, if any.

CRFHT may require medical or other supporting documentation as permitted by law in order to consider an accommodation request. Employees must comply with requests for information from the company.

Providing Accommodation

Following the accommodation dialogue, CRFHT may determine that accommodation is necessary. If so, a written accommodation plan will be provided, which will:

- Identify the need for accommodation and list any supporting documentation received;

- Determine objectives for performance in the employee's role, and potential barriers;
- Examine the options for accommodation and select the most appropriate accommodation, along with the reasoning behind this choice;
- Identify whether accommodation will be temporary or permanent, partial or full;
- Outline any alternative measurements for the employee's objectives for performance, as a result of the chosen accommodation;
- Identify the timeline for implementing the accommodation, as well as any training that will be provided; and
- Provide a timeline for review and revision of the plan based on employee and company feedback.

If the accommodation being provided will also require an investment in materials, such as purchase of additional equipment or an increased budget for a position, the accommodation plan will be developed in consultation with management.

The employee and the company may agree that the employee is to be placed into another available position as an accommodation if reasonable accommodation cannot be made in an employee's current position. An employee will not be reassigned to another position as an accommodation measure unless they have the requisite qualifications for the position, are capable of performing the tasks associated with the position and agree that the position is acceptable.

Denying Accommodation

Accommodation will not be provided where a request does not relate to a prohibited ground, or where it is determined that accommodation is not necessary.

In all other circumstances, CRFHT will make all reasonable efforts to accommodate employees, up to the point of undue hardship. Undue hardship is reached, and accommodation will not be made if:

- No appropriate or reasonable form of accommodation exists;
- Accommodation would create excessive cost to the company; or
- Accommodation would result in an unacceptable breach of health and safety policies, procedures, or standards, including the *Occupational Health and Safety Act* and its regulations.

Where an accommodation request would result in undue hardship to CRFHT we will work to find a fair and equitable solution with the employee to the greatest extent possible.

When an accommodation request is denied, the employee will receive this decision and the reason for the denial in writing.

Human Rights Policy Violations

An employee who believes they have been subject to discrimination contrary to this policy should submit a complaint in writing. The complaint should be made as soon as possible and must include the following information:

- The date and time of each incident you wish to report;
- The name of any person involved in the incident;
- The name of any person who witnessed the incident; and
- A full description of what occurred.

Similarly, any complaints about the accommodation process described in this policy, including the denial of accommodation measures, should be made in writing as soon as possible.

Investigation of Complaints

Upon receipt of a complaint, CRFHT will complete a thorough investigation. Where there is a real or perceived conflict of interest, or in other circumstances at the company's discretion, CRFHT will retain a third-party investigator to complete the investigation.

CRFHT may determine that appropriate interim measures may be warranted and then applied for the duration of the investigation, such as temporarily placing an employee under the supervision of another department or individual.

After the Investigation

If it is determined upon investigation that violation of this policy has occurred, appropriate disciplinary measures, including termination if appropriate, will be taken immediately.

If it is determined upon investigation that no violation of this policy has occurred, but the complaint was made in good faith, no disciplinary measures will be taken. However, appropriate non-disciplinary measures, such as training, may be provided to assist the employee.

If it is determined upon investigation that an employee knowingly made false statements regarding violation of this policy, including intentionally filing a false complaint, disciplinary action may be taken. Disciplinary action may include termination if appropriate.

All information received or produced in the course of an investigation is considered confidential and will not be disclosed to anyone except as necessary to resolve the complaint and to the extent required by law.

No Reprisal

CRFHT will not retaliate or permit retaliation by other employees against any employee who files a complaint under this policy or participates in good faith in an investigation.

Human Rights Tribunal of Ontario

Nothing in this policy prevents or precludes an employee filing a complaint with the Human Rights Tribunal of Ontario or any other legal body.