



# HR Inclusive Policy Toolkit

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Welcome Employers and Human Resource Specialists,

This year, we have witnessed a significant impact to our national and global economies in response to the pandemic. There has perhaps, never been a more important time to discuss diversity and inclusion as key competitive strengths for Canadian businesses. While diversity represents the combination of people present in your workforce, inclusion speaks to how well your workforce functions as a unit and the way in which each individual's contribution is valued. Diversity and inclusion work hand in hand to create a powerful business performance equation.

On a daily basis, employers are challenged to cultivate their financial security by establishing and maintaining competitive advantages. With over 6.2 million Canadians experiencing a disability, clear evidence has emerged around the value these workers contribute in supporting businesses to reach their potential and remain competitive. In fact, studies indicate that businesses who effectively addressed inclusion experienced an efficiency rate of over 90% in job performance, average or better safety ratings than their counterparts, and reduced turn-over.

Adaption and innovation are also essential components for employers in navigating the years ahead. Many Canadian workers who experience a disability are highly versed in overcoming obstacles, adapting and innovating to get a job done! Not only do they bring new perspectives and ideas, this creative approach can support a business culture in more effectively adapting to change in order to offer new services and/or better service to customers.

While the business case for hiring Canadian citizens who experience a disability has been repeatedly demonstrated, some employers remain unsure how to best integrate this highly skilled group of individuals into their labour force. This resource has been designed to walk you through a framework of critical inclusion policies to support your efforts.

Please take a moment to read the '**Key Considerations**' and '**How to Navigate this Resource**' sections, prior to diving into the policies and additional content!

Wishing you success as you embark upon, or continue, your journey in establishing a diverse and inclusive workforce.

The opinions and interpretations in this publication are those of MentorAbility Project Team and do not necessarily reflect those of the Government of Canada.

The MentorAbility Canada Team

**Note: This resource provides general information only for employers with fewer than 50 employees and does not constitute, and should not be relied upon as, legal advice or opinion. The general information provided may not be suitable for all businesses, and readers should contact their legal counsel to assist in drafting policies and interpreting local legislation and caselaw. The Canadian Association for Supported Employment holds the copyright to this resource and its contents may not be copied or reproduced in any form, in whole or in part, without the express permission of CASE.**



### Leadership

It is evident that the success of all diversity and inclusion initiatives start from the top down! The strength of any policy is directly linked to the attitudes, beliefs, and biases, of those implementing it. As an employer or human resource specialist, your commitment to modelling inclusive behaviors and attitudes will set the stage for your business's success.

### Approach

Committing to a diverse and inclusive workplace involves welcoming a broad range of ideas, perspectives and working/learning styles. It invites you to *consistently* consider the *value that differences bring*. By adopting this 'inquiry approach', you can begin to ask respectful questions that help you to better understand the needs of your workforce and, by extension, your customer base and the communities you serve.

### Human Rights

A basic understanding of human rights, as they relate to Canadian citizens experiencing a disability, will support you to recognize the solid legal framework in which this valuable competitive edge is grounded. The Canadian Charter of Rights and Freedoms, The Human Rights Act, The Accessibility Act of Canada and the subsequent acts for each specific province, are all examples of existing legislation that you will want to be familiar with.

### Policies

Workplace policies may depend on the size of your company. In this Toolkit, you will be provided with sample policy statements which (when added to larger policies on the same subjects) aim to address common accessibility requirements or goals for small to medium sized businesses across Canada. Strive to make inclusion policies available to all employees by communicating policies in different formats and posting them in a variety of places.

### Reality

While we are slowly gaining ground in creating workforces that represent some aspects of diversity, such as race and gender, it is widely recognized that people with disabilities continue to be notably under-represented. Committing to a fully diverse and inclusive workforce is much more than statistics and percentages. It involves people with disabilities represented at all levels of a business to ensure 'a voice at the table' and authentic access to the workforce. By accessing the broadest pool of candidates, employers can strengthen their attraction and retention strategies, and more effectively create inclusive teams.

# How to Navigate this Resource



In order to assist you in best navigating this resource, it has been divided into three primary sections:

## 1. Setting the Stage

- [Inclusive Workplace](#)
- [Accessibility](#)
- [Benefits](#)
- [Communications](#)
- [Accommodation](#)
- [Job Descriptions](#)

## 2. Inclusive Hiring

- [Job Postings](#)
- [Recruitment and Selection](#)
- [Interviewing](#)

## 3. Talent Retention

- [Orientation and Onboarding](#)
- [Performance Management](#)
- [Training](#)
- [Return to Work](#)

Each policy section has been further divided into 5 subsections:

- What does it mean?
- What is it important?
- Sample Accessibility Policy
- Putting it into Practice
- Additional Considerations

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# Checklist for Inclusive Policies



This checklist is designed to help you review the inclusiveness of your workplace by considering whether you have a core framework of policies in place. While it is not an exhaustive list of all the policies required for a robust inclusion framework, it does address many of the critical policies required to:

- increase accessibility
- empower people with disabilities to fully contribute within their workplace
- explore the culture of your business and how this can be a vital strategic advantage
- design inclusive recruitment and hiring practices to tap into a large pool of talented workers

Check off which policies you currently have in place and identify those you still need to develop. Each policy section in this toolkit will provide additional information including a description of what is involved, an explanation of why it is important, a sample policy statement, additional considerations, and more! If you still require assistance with your inclusion efforts, click on the link below to access one of our local provincial hubs or site partners for a free consultation.

- [Accessibility](#)
- [Accommodation](#)
- [Benefits](#)
- [Communications](#)
- [Inclusive Workplace](#)
- [Interviewing](#)
- [Job Descriptions](#)
- [Job Postings](#)
- [Orientation & Onboarding](#)
- [Training](#)
- [Performance Management](#)
- [Recruitment & Selection](#)
- [Return to Work](#)



# Accessibility Policy & Guidelines

 Watch Video

Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).

## Accessibility: What does it mean?

- Barriers to accessibility are obstacles that make it difficult, or sometimes impossible, for people with disabilities to fully participate in life.
- Barriers may be visible or invisible. Examples are:
  - Attitudinal (treating people with disabilities differently)
  - Informational and communication (messages that cannot be received or understood)
  - Systemic (barriers in policies, practices, and procedures)
  - Physical and architectural (preventing access)
  - Technological (technology or the way it is used does not meet the needs of people with disabilities)

## Why is it Important?

- One in seven adult Canadian citizens currently lives with a disability.
- Most Canadians will experience disability at some point in their lives. Communities need to be accessible so that everyone can participate and live full lives.
- Accessibility is a win-win situation for all Canadians. By making workplaces more accessible, citizens who experience a disability can more easily access the labour market, achieve economic self-sufficiency, and participate in the economy. When shops, restaurants, entertainment, and sport facilities are fully accessible, business owners have an opportunity to increase their customer base and ultimately earn more revenue.
- Many Provinces (including Ontario) legally require employers to take proactive steps to implement accommodation policies (see the *Accessibility for Ontarians with Disabilities Act, 2005*).
- *The Convention on the Rights of Persons with Disabilities* acknowledges the concept of disability as being directly related to lack of accessibility. Lack of accessibility is primarily the result of attitudinal and environmental barriers that hinder citizens' full and effective participation in society on an equal basis. Accessible workplaces are critical in ensuring the fundamental rights of people with disabilities by creating opportunities for full integration on a social, economic, political, and cultural level.
- Enacting and implementing proper accessibility policies can reduce the risk of human rights litigation.

## Sample Accessibility Policy

The following policy sample should be part of a larger accessibility policy. This larger policy should also address any legislatively mandated accessibility requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] is committed to ensuring equal access and participation for people with disabilities. We are committed to treating people with disabilities in a way that allows them to maintain their dignity and independence.

We believe in the value of integration and we are committed to meeting the needs of people with disabilities in a timely manner. We will do so by removing and preventing barriers to accessibility, and by meeting or exceeding our accessibility requirements under [Name of Province]'s accessibility laws.

## Putting it into Practice

- Accessibility needs to consider many aspects of the business, such as maintenance/facilities, customer service, workplace policies and procedures, information, and communications.
- To assess the accessibility of your workplace, there are tools available to help such as: <http://obiaa.com/wp-content/uploads/2014/09/Accessible-Buildings-Checklist-OBIAA.pdf> or <https://www.adachecklist.org/doc/fullchecklist/ada-checklist.pdf> (Note these checklists may contain standards that you are not required to meet. Check the applicable [legislation](#) for the standards that apply to you).
- It is important to understand the principles of accessibility. These principles include dignity, independence, integration, and equal opportunity. Check out our glossary of terms to find descriptions for all of these terms and others.
- Making your business accessible involves reviewing your hiring practices, understanding accessibility needs as they relate to career growth, and having a communication plan that informs all employees of the support available.
- Once you have created a policy, it is vital that you communicate this to all of your staff and provide the information in an accessible format.
- It is also important to offer training around the policy and establish a feedback process. You can be flexible and creative on this front by considering your workplace size and culture.
- Overall, strive to communicate to the broader public that people who experience disabilities are welcome and that you will accommodate their needs.

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Accessibility laws vary by province so check the laws that apply to your workplace.
- The *Canadian Human Rights Act* (CHRA) broadly sets the stage regarding discriminatory employment practices, while each individual province or territory has its own *Human Rights Act*.
- *The Accessible Canada Act* (Bill C-81) sets out how the Government of Canada will address accessibility across the country.
- Some provinces have developed legislation that focuses specifically on the rights of people with disabilities. This currently includes: *The Accessibility for Ontarians with Disabilities Act* (AODA), *The*

*Accessibility for Manitobans Act*, and the *Nova Scotia Accessibility Act*. British Columbia is striving to reach their 'Accessibility 2024' vision of being the most progressive province in Canada for people with disabilities. Although the remaining provinces and territories may not yet have province specific legislation, they are facing significant pressure to release accessibility legislation in the future and are at various stages of this process.

- Accessibility requirements for buildings vary between provinces and are gradually changing; it is recommended to regularly check for requirements that apply to the workplace.





## Accommodation Policy & Guidelines

 [Watch Video](#)

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### Accommodation: What does it mean?

- Canadian human rights law generally recognizes that employees have the right to accommodation of disabilities in the workplace up to the point of “undue hardship” by the employer. Undue hardship is the point when courts or tribunals will determine the cost to the employer of accommodating an employee further is more than the employer can reasonably be expected to bear. Employers are expected to bear some non-trivial costs in accommodating an employee. Factors that courts and tribunals use to determine whether accommodation has become “undue” include the size of the employer (bigger employers have a greater capacity to accommodate), the financial means of the employer (greater means leads to a greater capacity to accommodate), the health and safety risk to other employees or stakeholders, and the impact on other employees’ rights. If an employer is in doubt about their obligation to accommodate further, they should seek legal advice.
- Accommodation is as much about organizational culture and trust as it is about the policies that are created and the legal rules that are at place. An open and accepting culture towards accommodation will increase cooperation with employees and reduce conflict in the accommodation process (leading to more successful accommodation solutions in the future).
- At the heart of the accommodation process is the responsibility, shared by all parties, to have a meaningful dialogue about accommodation, and to work together respectfully towards accommodation solutions. Everyone involved should cooperatively engage in the process, share information, and work towards potential accommodation solutions. However, it ultimately remains the employer’s responsibility to find an adequate accommodation (short of undue hardship) once the need for accommodation has been established, and the employee has provided sufficient medical or other information to identify their workplace limitations or needs.
- A workplace accommodation is any change in the work environment or the terms and conditions of employment that allows a person with limitations in their abilities, or who faces barriers from the standard rules and conditions of work, to perform their job.
- Accommodation is necessary to ensure that people with disabilities have equal opportunities, access, and benefits.
- Accommodations can be temporary, periodic, or long term, depending on the employee’s medical condition (though lengthier accommodations may ultimately be subject to the standard of “undue hardship” to the employer).
- Accommodation is not an all-or-nothing proposition, and can be seen as a continuum. Where the most

appropriate accommodation would result in undue hardship, the organization must consider other alternatives, such as phased-in or next-best accommodations.

- The employee has a duty to cooperate in the accommodation process. Part of that is accepting a reasonable offer of accommodation by the employer. An employee is not entitled to their preferred or perfect accommodation, but an *appropriate* accommodation. If the employer offers an appropriate accommodation that is justifiable and meets their operational needs, the employee must accept it. If the employee refuses and insists on another accommodation, the employer is likely released from their legal duty to accommodate further. The employer should seek legal advice before making this conclusion.
- An employee also generally has an obligation to inform the employer of their need to accommodate, or else the duty to accommodate will not be triggered. However, employers may have a duty to inquire if an employee requires accommodation, if it is reasonably clear they may need one. For example, in the case where it is apparent an employee's performance may be affected by an addiction.
- Examples of accommodation could include:
  - changes to organizational policies and practices,
  - changes to a physical workspace,
  - adaptations to the equipment, tools, or uniform used,
  - flexible work hours or job sharing,
  - relocation of the workspace within the workplace,
  - the ability to work from home,
  - reallocation or exchange of some non-essential tasks for others, and
  - time off for medical appointments.
- It is important that the accommodation process, as well as the accommodation itself, be effective and respect the dignity of accommodation seekers.
- The duty to accommodate has both a substantive and a procedural component. The procedure used to assess an accommodation request (the procedural component) is often as important as the substantive content of the accommodation (the accommodation ultimately provided). Failure to perform either component of the duty is generally considered to be a failure to meet the duty to accommodate (carrying legal risk). The duty to accommodate is informed by three principles: (1) respect for dignity, (2) individualization, and (3) integration and full participation.

## Why is it Important?

- In Canada, employers have a legal duty to accommodate employees with limitations due to a medical condition or disability in other forms. This obligation is set out in human rights legislation in every Canadian jurisdiction. The vast majority of employers in Canada are subject to the human rights legislation in the province(s) in which their employees work. A smaller number of employers (such as banks, airlines, and railways) are subject only to federal employment legislation including the *Canadian Human Rights Act*. Failure to meet this obligation can lead to liability for failure to accommodate and discrimination.
- The Supreme Court of Canada has described the goal of accommodation as to ensure that an employee who is able to work can do so. In practice, this means that the employer must accommodate the employee in a way that, while not causing the employer [undue hardship](#), will ensure that the employee can work. The purpose of the duty to accommodate is to ensure that persons who are otherwise fit

<sup>1</sup> <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

<sup>2</sup> <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/8-duty-accommodate>

to work are not unfairly excluded where working conditions can be adjusted without undue hardship. Properly meeting the duty to accommodate can increase the productivity of an organization and ensure an employee is enabled and empowered to fully participate in the workforce.

- Reasonable accommodations often benefit all employees. For example, businesses who strive to make information available in a variety of formats are able to more effectively meet the diverse learning needs of their employees.

## Sample Accommodation Policy

The following policy sample should be part of a larger human rights and accommodations policy. This larger policy should also address any legislatively mandated human rights requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] will provide workplace accommodation to the point of undue hardship to ensure that individuals who are otherwise able to work are not discriminated against and excluded from doing so because of a disability, or other protected grounds.

Accommodation requests will be considered with the principles of dignity, individualization, inclusion, and full participation. Employees with an Accommodation Plan will be notified in advance of any changes that could affect the terms of their plan.

[Name of Organization] is committed to maintaining confidentiality when providing accommodation and will only disclose personal information when necessary to provide the accommodation or as otherwise permitted by law. [Name of Organization] will provide workplace accommodation to the point of undue hardship to ensure that individuals who are otherwise able to work are not discriminated against and excluded from doing so because of a disability, or other protected grounds.

## Putting it into Practice

- The parties to the accommodation process must share information about accommodation needs and potential solutions. In some cases, employers may need to get expert opinions or information to confirm the need for accommodation, or to determine appropriate accommodations.
- Employers may only request information that is relevant to the work situation and the accommodation request at hand. This includes medical information from the employee's physicians or healthcare providers that identify the employee's limitations with sufficient clarity to permit an assessment of appropriate accommodations. This does not entitle an employer to the employee's diagnosis, however. Employers should be careful to collect only information that is necessary in order to avoid a finding that they have overreached in their request.
- Managers should offer assistance and accommodation to persons who are clearly unwell and in need of assistance, or who are perceived to have a disability, even where no accommodation request is made. This is called the [duty to inquire](#) referred to above.
- Funding may be available to help alleviate accommodation costs. (See list at [https://www.neads.ca/en/about/projects/stem/stem\\_Funding.php](https://www.neads.ca/en/about/projects/stem/stem_Funding.php))

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Human rights statutes in some jurisdictions refer to “reasonable accommodation.” Despite the difference in wording, “reasonable accommodation” imposes the same requirements as “accommodation to the point of undue hardship.” As stated by the Supreme Court of Canada in *Central Okanagan School District No. 23 v. Renaud* [1992] S.C.R. 970 “The extent to which the discriminator must go to accommodate is limited by the words ‘reasonable’ and ‘short of undue hardship.’ These are not independent criteria, but are alternate ways of expressing the same concept.”
- Under the Ontario Human Rights Code (OHRC), organizations are required to prevent and remove barriers and provide accommodation to the point of undue hardship. Organizations, including their officers, managers, supervisors, and union representatives, have a shared obligation to design for inclusion of persons identified by OHRC grounds, as well as to remove barriers and provide accommodation. Failure to fully explore accommodation options and to fulfil the duty to accommodate is a violation of the OHRC. Employers also have to be able to defend discriminatory rules, requirements, and policies by showing that they are “Bona Fide Occupational Requirements.” The OHRC prevails over collective agreements. Collective agreements or other contractual arrangements cannot act as a bar to providing accommodation
- Legal Considerations (from [https://hirefortalent.ca/images/pdf/tools/3.4\\_Employees-Duty-to-Cooperate\\_EN.pdf](https://hirefortalent.ca/images/pdf/tools/3.4_Employees-Duty-to-Cooperate_EN.pdf) with some minor edits)
  - In general, applicants and employees do not have an obligation to disclose that they have a disability or what type of disability.
  - However, in some cases this would become a legal obligation:
    - If the applicant needs an accommodation during the interview process or at any other time during the job application process.
    - If the employee needs an accommodation in the workplace or at any other time in order to carry out the essential duties of his or her employment.
  - An individual with a disability is required to provide sufficient information about their restrictions and accommodation needs in support of their accommodation request so that the employer can properly and promptly fulfill their “duty to accommodate” up to the point of “undue hardship.”
  - Applicants and employees should disclose the fact that they have a disability, and require accommodations, to an employer if:
    - The disability is likely to affect their work performance or their ability to carry out any specific job duty.
    - The disability could potentially create a health or safety risk to themselves or to any co-worker.



## Benefits Policy & Guidelines

▶ Watch Video

*Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).*

### **Inclusive Benefits: What does it mean?**

- Group benefit programs were originally developed for a relatively homogenous segment of the population (males of dominant ethnicities within a certain age range) and underpinned by certain assumptions that are no longer true. Traditional benefit programs under-serve groups with different needs and circumstances.
- Most group benefit plans are based on what other employers offer in a market, but this benchmarking approach could result in unseen areas and perpetuate disparities.
- Unconscious bias exacerbates many drivers of incomplete coverage, causing misinterpretation of regulations, incorrect assumptions that government programs cover certain services, reluctance to accept new societal trends, and lack of attention and investment (such as the ways in which workplaces are inaccessible to differently-abled people).

### **Why is it Important?**

- Employee benefit packages need to reflect the social realities that Canada currently faces. This involves recognizing the diversity of our Canadian workforce including people who experience a disability. By doing so, employers can strategically design benefit packages to better attract, motivate, and retain high performing employees.
- Canadian businesses are becoming increasingly innovative about the types of benefits they offer. There are several advantages to offering a well-rounded benefit package that meets the needs of a diverse group of employees. Packages of this nature often assist in attracting and retaining high-level talent, improving a business's brand as an inclusive and great place to work, and positively impacting a company's bottom line.
- Employers who maintain traditional, broadly defined benefit programs risk excluding minorities and vulnerable groups in the workforce for many reasons.
- Flexible benefits are an obvious fit in an organization looking to support a diverse workforce, since employees can choose benefits that suit their unique needs and life circumstances.
- Keep in mind that group benefit programs or policies that discontinue participation for employees based on age (e.g. at age 70) have been found to be discriminatory. It is recommended that you review your insurance coverage with your provider to determine what, if any, discriminatory age-related exclusions exist.

## Sample Benefits Policy

The following policy sample should be part of a larger group benefits and leaves policy. This larger policy should also address any legislatively mandated benefits requirements in your jurisdiction (particularly those relating to human rights and accommodation), the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] seeks to attract, retain, motivate, and reward qualified employees by establishing and maintaining a competitive and non-discriminatory salary and benefit program.

## Putting it into Practice

- Provide benefits choice. Choice is an inherent principle of flex benefit plans since they allow employees to customize their benefits into something that best suits their unique needs and life circumstances. Samples of inclusive benefit policies are:
  - Floating holidays
  - Paid time off and/or personal days
  - Working remotely
  - Flexible schedules
  - Professional development
- View booklets, contracts, and forms through the lens of inclusion. Administrative forms and documents like enrolment forms, beneficiary forms, dependant elections, coordination of benefits information, and plan text should include language that supports the diversity of employees.
- Employee assistance programs (EAP) can provide support to a diverse workforce and should offer diversity in the counsellors available to plan members and their families, and a variety of methods for accessing counselling or self-serve support services. EAP providers can be a great source for diversity and inclusion training for leaders within an organization, or for the workplace as a whole through workshops or coaching.
- Employers could consider reframing their paid-time-off policy to provide personal days that are discretionary and can be used for medical appointments or personal emergencies.
- Employers could consider sending information home with employees for broader dissemination of messaging or translation support if needed.

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Unionized employees must refer to their collective agreement for information concerning benefits.



## Communications Policy & Guidelines

 Watch Video

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### **Inclusive Communications: What does it mean?**

- Inclusive communication refers to sharing information in a way that everyone can understand. It involves understanding that people have different communication needs in order to access and understand information equally.
- It also involves staying current on how to respectfully refer to a person who experiences a disability in your company's communications.
- As with any other large group, there can be no one-size fits all approach around how a business communicates with people who experience a disability.
- Broadly speaking, people with disabilities may have experiences that result in unique communication needs. For example, you may have a staff member or customer who:
  - Experiences low vision, partial sight or blindness
  - Experiences deafness or is hard of hearing
  - Is a person with autism
  - Uses a wheelchair
  - Is a person who experiences an intellectual or developmental disability

Each of these individuals will have different needs in order to access and understand key communications equally.

- Regardless of what someone's experience is, when referring to a person with a disability, it is preferable to use neutral, person-centred or people-first language. This avoids defining a person in terms of their disability, diagnosis, condition, or a perceived limitation. By placing the reference to the disability after the reference to the person e.g. a person with a disability, it maintains the focus on the individual. Where possible, it is always best to ask the person what their preferred terminology is. When that is not possible, use people-first language.
- For communications to be fully inclusive, consider other factors such as reading age and English as a second language. Communications should ideally be written, produced, and distributed in a way that is inclusive to all.

### **Inclusive Communications: What does it mean?**

- Accessibility in information and communications technologies is a vital part of advancing inclusion.

A commitment on this front helps to break down barriers that prevent people with disabilities from participating on an equal basis.

- The benefits that one person receives from accessible information and communications often strengthens the ease and flexibility experienced by the broader audience.
- From a business perspective, it is important that every communication reaches the widest possible audience.
- Improved communications have the potential to increase and expand audiences while maintaining customer satisfaction from existing clients. The same techniques can also improve employee morale and the quality of employee relationships.
- Many jurisdictions have accessibility legislation that requires accessible (and inclusive) formatting of communications, and failure to meet these requirements may lead to legal liability.

## Sample Communications Policy

The following policy sample should be part of a larger communications or accessibility policy. This larger policy should also address any legislatively mandated communications accessibility requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of organization] will communicate with people with disabilities in ways that take into account their needs. When asked, information will be provided about the organization and its services in accessible formats or with communication supports.

[Name of Organization] will respond to feedback including any accessibility related concerns.

Optional: [Name of Organization] will meet internationally-recognized Web Content Accessibility Guidelines (WCAG) 2.0 Level AA website requirements.

## Putting it into Practice

- It is not necessary to become a communication expert. Focus on learning and understanding how different people interact with your businesses and what their individual needs are. If you are unsure, consult with the person who experiences a disability to determine their accessibility needs. A database of employee and customer communications requirements can be built over time.
- Start by considering all of your business's key communications channels such as website/digital marketing, email, social media, printed materials, image library, newsletters, and media releases.
- Instead of providing only one method for communication, offer various options that are available in accessible formats such as:
  - Accessible PDF and Word documents
  - Audio versions
  - Braille
  - Sign language
  - Large print
  - Subtitling (captioning)
  - Telephone, text, text to speech/speech to text



- Creating easy-to-read formats (find a resource guide here: <https://www.changepeople.org/getmedia/923a6399-c13f-418c-bb29-051413f7e3a3/How-to-make-info-accessible-guide-2016-Final>)
- “People First” has a Plain Language Committee and can be hired to translate documents into plain language <https://www.peoplefirstofcanada.ca/priorities/plain-language/>
- As your commitment to providing accessible and inclusive communication evolves, build in a process for receiving and responding to feedback.



## Inclusive Workplace Policy & Guidelines

 [Watch Video](#)

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### **Inclusive Workplace: What does it mean?**

- An inclusive workplace is more about culture than anything else. It is about creating a workplace where everyone is treated with respect and valued for their contributions. In an inclusive workplace, colleagues and customers are treated with dignity, respect, and equality, and these values are reflected in the company's mission and vision. Policies and procedures are implemented and managed so that employees' rights are preserved.
- Business owners and managers need to fully support inclusive policies and the policies must be communicated to employees at all levels of the organization.
- In an inclusive workplace, all employees are given the tools and supports they need to develop and advance in their careers. If an employee with a disability faces barriers to their career advancement, the company takes specific actions to remove the barriers.

### **Why is it Important?**

- Workplace culture is a system of shared meaning that separates one business from another. It sets the stage for everything from innovation, risk taking and performance, to competitiveness and stability.
- Workplace culture sets the tone for how employees act and interact. Essentially, the unique culture of every business communicates a set of expectations around 'how things are done' within that particular company.
- Positive and inclusive work cultures create a sense of identity for employees, foster a sense of commitment, and guide or shape the attitudes and behaviours of all employees.
- An inclusive workplace is more likely to attract and retain a diverse workforce, which has the potential to outperform competitors.
- An inclusive workplace benefits all employees.

### **Sample Inclusive Workplace Policy**

The following policy sample should be part of a larger inclusive workplace policy. This larger policy should also address any legislatively accessibility and human rights requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] cultivates an inclusive and respectful workplace. This includes treating colleagues with dignity and fairness, and maintaining a workplace that is free of harassment, discrimination, and violence. It also means welcoming colleagues with different backgrounds and capabilities. This diversity brings our organization a wealth of experience that builds a better team.

### **Putting it into Practice**

- An inclusive workplace cannot be forced. Offering a regular cycle of training, seminars, and events that educate employees on the importance of diversity can help to enhance understanding and provide a safe space for everyone to become aware of personal bias.
- A complete strategy to create an inclusive workplace should include:
  - A plan to identify, prevent, and remove barriers
  - Education and training programs
  - The development of inclusive policies
- Note that this policy does not intend to address anti-discrimination and anti-harassment policies required under legislation

### **Additional Considerations**

(Provincial differences, unionized workplace considerations)



## Interviewing Policy & Guidelines

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*Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).*

### **Inclusive Interviewing: What does it mean?**

- Inclusive interviewing involves designing an interview process that recognizes potential barriers and bias, and focuses on removing or mitigating the impact of these during the interview and selection process. This can include simple strategies such as stating that accessibility accommodations are available when inviting applicants to the interview, ensuring that interviews are held in an accessible space, and carefully choosing a co-interviewer with a different cross-cultural understanding or perspective in order to reduce individual bias.
- It also involves ensuring that all accommodation requests from applicants are treated confidentially and respectfully.
- Inclusive interviews focus on questions related to “how” the applicant will apply their skills to perform job tasks (as opposed to asking whether they “can” do the job).

### **Why is it Important?**

- Committing to inclusive hiring practices increases your ability to tap into a substantial pool of talented candidates, ultimately creating a diverse workforce that is better able to innovate, create, and perform.
- Knowing how to incorporate inclusive practices in interviewing can create opportunities to ensure equitable access for new hires, and to help alleviate awkward or uncomfortable situations.
- Failure to use inclusive methods (or the active use of discriminatory methods) may lead to legal liability as a result of failure to accommodate or a failure to meet accessibility legislation.

### **Sample Interviewing Policy**

The following policy sample should be added to your larger hiring and recruitment policy. This larger policy should address the rules your organization will follow with respect to hiring and recruitment, the purpose of the policy, who the policy applies to in your workforce, who will be responsible for what obligations under the policy, and the procedures that must be followed under the policy in administering the hiring and recruitment process (including how applications will be assessed).

When contacted for an interview, job applicants will be advised that [Name of Organization] has an accommodation policy and asked whether the applicant requires accommodation to participate in the hiring process.

[Name and/or Position A] will evaluate the job applicant's request for accommodation and may request more information from the applicant to facilitate the accommodation. If a request for accommodation is denied, the reasons why will be clearly communicated to the job applicant.<sup>3</sup>

## Putting it into Practice

- Before scheduling interviews, review the screening process to ensure it is not working against the inclusive hiring process. For example, avoid making assumptions about a candidate from information such as addresses, pronouns, name, title, educational institution, or resume format. If screening interviews by telephone, be conscious that for some candidates with disabilities, the playing field might not be level (and determine appropriate alternative methods of communication if appropriate).
- When scheduling interviews, ask if the applicant has any accommodation needs. Changes may need to be made to the interview location, format, material, etc. and the person may wish to bring a [support person](#) with them. Be prepared to be flexible.
- Discuss with front office staff how to interact appropriately with people with disabilities and [service animals](#) (if applicable) before the interview takes place.
- Focus on consistency. The interview process should be consistent for all applicants, regardless of gender, race, or disability. Ask all candidates the same set of questions and use their answers in a scoring system rating to see whose abilities most closely match the job description.
- Be aware of your personal assumptions and bias, and how these may influence your decision. For example, there are many ways that people express themselves through body language and non-verbal communication. A candidate who avoids eye contact may not be interpreted correctly depending on your lens and understanding of their background, culture, and personal experience.
- Use Hire for Talent's "Conducting Successful Interviews" resources at <https://hirefortalent.ca/main/toolkit/interviews>:
  - Employer Responsibilities (<https://hirefortalent.ca/main/toolkit/interviews/54-employers-responsibilities>)
  - Greeting a Candidate with a Disability (<https://hirefortalent.ca/main/toolkit/interviews/55-greeting-a-candidate-with-a-disability>)
  - Legal Interview Questions (<https://hirefortalent.ca/main/toolkit/interviews/57-legal-interview-questions>)
  - Inclusive Interviews (<https://hirefortalent.ca/main/toolkit/interviews/56-inclusive-interviews>)
  - Proper Terminology (<https://hirefortalent.ca/main/toolkit/interviews/61-proper-terminology>)
  - Disability Etiquette (<https://hirefortalent.ca/main/toolkit/interviews/168-disability-etiquette>)
- Useful interview tips:
  - Ask a colleague or co-interviewer to provide a different perspective.
  - Ask all interview candidates the same questions and ensure all questions relate to the job position only. It's always helpful to explain the whole process to candidates to shape realistic expectations and reduce misunderstandings.
  - Ask questions that focus on 'how' applicants will apply skills or 'how' they would handle a particular situation. It reinforces the value of transferable skills.

<sup>3</sup> <https://www.chrc-ccdp.gc.ca/eng/content/template-developing-workplace-accommodation-policy>

- Be aware of what you can and cannot ask during a job interview, and only ask for what is relevant to the job (Accessible Employers has a helpful guide of questions that can and cannot be asked in interviews at <https://accessibleemployers.ca/members/presidentsgroup/activity/195/>)
- In order to test skills versus relying on questions, consider a working interview that allows a manager to test the specific skills needed for the role ([https://hirefortalent.ca/images/pdf/tools/10.3\\_Innovation-in-Recruiting--The-Working-Interview\\_EN.pdf](https://hirefortalent.ca/images/pdf/tools/10.3_Innovation-in-Recruiting--The-Working-Interview_EN.pdf))



## Job Descriptions Policy & Guidelines

▶ Watch Video

Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).

### Inclusive Job Descriptions: What does it mean?

- Simply stated, an inclusive job description is created in a way that all applicants can apply for the job without feeling excluded or uncomfortable. Special attention is given to the language used in the job description. Avoid using gender specific words and jargon, consider literacy levels by keeping your sentences short, use white space in the document, and ensure that you communicate your commitment to diversity and inclusion.
- An inclusive job description is primarily competency-based, recognizing that the most critical information is not “how the job will be completed” rather, “if the employee can achieve the outcomes required.”
- With the substantial increase in technology and the advancement of diverse workforces, job structure and demands are often rapidly changing. Individuals who experience disabilities have been required to innovate and think creatively in order to navigate their daily lives. This level of adaptability and self-motivation needs to be taken into consideration when interviewing candidates. By remaining focused on the outcomes attached to a position, rather than a specific approach to completing a task, you will avoid unintentionally eliminating skilled candidates.

### Why is it Important?

- Job descriptions are more than a formal document needed to get the recruiting process started. Candidates take them very seriously. A job description can unintentionally make certain groups of people feel like they are excluded from applying.
- Ableism is a bias against people with disabilities, and it can be communicated in many ways. In order to eliminate unconscious hiring bias towards people who experience a disability, it is valuable to make inclusivity a key part of your company’s development strategy. Without an ongoing commitment to learning and removing barriers, businesses will face challenges in attracting, hiring, and retaining workers who experience a disability. For example, job related functions that identify the need to lift, push, pull, carry a minimum weight, can all serve to exclude some aspiring candidates with disabilities. While these requirements might be critical for certain roles, in many positions they are not ‘essential’ to effectively completing the job. Unfortunately, language of this nature removes many qualified candidates from the applicant pool.
- Inclusive job descriptions can attract candidates with diverse backgrounds and experiences.
- A job description that is not inclusive runs the risk of being open to a human rights or employment law challenge.

## Sample Job Descriptions Policy

The following policy sample should be part of a larger job descriptions policy. This larger policy should also address any legislatively mandated job description requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] is committed to maintaining a workforce that demonstrates the values and visions of the organization, and hires employees who demonstrate the necessary skills and qualifications. Employees are made aware of the job skills, duties, and qualifications required through Job Descriptions and/or Performance Expectations. Current Job Descriptions are maintained for all employees.

## Putting it into Practice

- Use the Hire for Talent “How to Write Inclusive Job Descriptions” resource at: <https://hirefortalent.ca/main/toolkit/recruitment/51-how-to-write-inclusive-job-descriptions>
- Analyze the requirements listed and narrow them down to only the skills and qualities someone needs to be successful in the role. Focus less on what candidates need to have and more on what they need to achieve.
- Write clearly and simply, using common words, a straightforward style and simple sentences. Avoid jargon, technical and legal language, and acronyms.
- Be open to transferable skills. Ask for ability wherever possible. Candidates can demonstrate ability through past achievements, including volunteer experience. For example, instead of “three years’ experience ...” ask for “ability to ... .” Candidates can explain their skills or demonstrate them in practical tests.
- There are certain occupations where having a specific disability may affect someone’s ability to do the job. These job requirements are known as [bona fide job requirements](#), and an employer who can demonstrate that the requirement is a bona fide job requirement (which includes showing that accommodation is not possible) may rely on that requirement in assessing which employee can perform the job.

## Steps to Conducting a Job Analysis & Developing a Job Description

Job analysis refers to the process of identifying and determining the duties, responsibilities, and specifications of a given job.

Critical attention is required at this stage to ensure that the structure and requirements are not set up to be inherently discriminating. There are a couple of key considerations for employers during this stage:

1. The first rule of thumb when determining a requirement is that it needs to be **reasonably related to the job itself**.
2. The second key consideration is that a job requirement needs to be **made in good faith - ‘bona fide’, be neutral and non-discriminatory**.

For example, an employee’s ability to lift boxes of a certain weight can be considered in the context of what equipment is available and/or if the best safety practices around lifting have been incorporated. Many companies use lifting equipment to ensure the health of all their workers. In this light, the job requirement isn’t that the employee can lift a specific weight - the requirement is that the boxes can be safely stacked.



Another example is when an employer creates requirements around personal hygiene (e.g. must be clean shaven). If this applies to the food service industry, a successful applicant with a beard can be provided with the appropriate personal protective equipment.

These two examples demonstrate how the requirement must be reasonably related to the job itself, be neutral, and non-discriminatory.

To determine whether the requirement is bona fide (made in good faith, genuine) employers must consider if it was designed inclusively and if an accommodation would cause undue hardship. **When completing job analysis and developing a job description employers may want to ask themselves:**

1. Is this standard/requirement reasonably connected to the job?
2. Have alternative approaches been explored that can still meet our needs?
3. Can we develop a standard/requirement that reflects differing capabilities?
4. Does this standard/requirement take into account accommodations?

While often unintended, discriminatory hiring practices can begin within the processes of completing a job analysis and creating a job description.



## Job Postings Policy & Guidelines

 Watch Video

Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).

### Inclusive Job Postings: What does it mean?

- Inclusive job postings are worded in a way that won't result in people feeling uncomfortable or deterred from applying because they experience a disability.
- Inclusive job postings state alternative expertise or experience to encourage candidates with different abilities to apply.
- Inclusive job postings focus on a succinct list of qualifications related to the essential duties or functions, rather than an exhaustive wish list that deters many candidates from applying.
- Inclusive job postings are concise, and avoid the use of jargon.
- They often include some form of inclusion or equal employment opportunity statement e.g. "[Name of company](#), embraces diversity and inclusion. We welcome candidates from a wide variety of backgrounds, perspectives and skills. Please reach out and let us know if you require an accommodation at any stage of our hiring."

### Why is it Important?

- Language plays a powerful role in promoting inclusion. Highlighting inclusion in job postings and ensuring the language used does not discourage any applicants from applying sets the tone for a candidate's understanding of inclusivity in your workplace.
- Job postings from conventional sources such as the internet may be difficult for some people with disabilities to access. For example, many websites are not designed to be used with assistive technologies such as screen readers, and are therefore inaccessible to certain users.

### Sample Job Posting Policy


The following should be added to your larger hiring and recruitment policy. This larger policy should address the rules your organization will follow with respect to hiring and recruitment, the purpose of the policy, who the policy applies to in your workforce, who will be responsible for what obligations under the policy, and the procedures that must be followed under the policy in administering the hiring and recruitment process (including how applications will be assessed).

[Name of Organization] is an inclusive and accessible employer, committed to an inclusive, barrier-free recruitment and selection processes, and a workplace aligned with [Name of applicable legislation].

[Name of Organization] will work with applicants requesting accommodation at any stage of the hiring process.

## Putting it into Practice

- An inclusive job posting starts with an inclusive Job Description. Beyond mandatory notice of the availability of accommodations, it is a good practice to review the Job Description to ensure that the stated requirements are necessary or [“bona fide” job requirements](#)
- Use the resource from Hire for Talent which includes Steps for Writing an Inclusive Job Posting (<https://hirefortalent.ca/main/toolkit/recruitment/52-how-to-write-an-inclusive-job-posting>)
- Employers interested in tapping into the talents of candidates with disabilities can contact community organizations and recruiters who can assist in reaching this labour pool. Please click on the button below, 'Access a Free Consultation', to expand your reach.



## Orientation & Onboarding Policy & Guidelines

 [Watch Video](#)

*Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).*

### **Inclusive Orientation & Onboarding: What does it mean?**

- Ensuring orientation and onboarding is inclusive is not a highly complex process. All workplaces have their own way of orienting new employees and often no significant changes are necessary for orienting someone with a disability. Generally, orientation is done in the same way as for those without disabilities while taking into consideration ‘accessibility’ at each stage of the process.
- Sometimes small changes or accommodations will need to be made to the existing process to make for the most effective orientation. For example, the employee may need equipment or tools for their role or simply some extra time to get familiar with the workplace.
- Provide the employee lists of materials on the typical orientation topics covered, so they can access them when they need them. Ideally the information should be available in multiple formats depending on the individual’s needs.
- Ensure that supervisors are aware of any employee-specific needs related to orientation to fully support participation in the on-boarding process. As with all employees, the inclusion of a person with a disability is much easier in a positive and welcoming environment.

### **Why is it Important?**

- Providing a comfortable and supportive introduction is key to ensuring successful onboarding for all employees. Treating any new hire in an unusual manner can impact relationships with co-workers and the ease with which they step into their new role.
- Properly orienting employees in an inclusive way increases their job performance.
- Many jurisdictions have legislatively mandated accessibility orientation requirements, and failing to meet these elements may lead to legal liability.

### **Sample Orientation & Onboarding Policy**

The following policy sample should be part of a larger training and orientation policy. This larger policy should also address any legislatively mandated orientation requirements in your jurisdiction, the purpose of the policy, the scope of the policy’s application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] will make every effort to provide a respectful welcome to all new employees. All employees will be informed of their duties and responsibilities through a clear orientation and onboarding process, and through clear expectations.

[Name of Organization] is committed to ensuring that all emergency procedures, plans, and safety information are in accessible formats and that all employees have the opportunity to develop an individualized emergency plan based on the needs of their disability.

## Putting it into Practice

- Ensure that the person knows his or her duties and responsibilities as soon as possible.
- An employee with a disability might need help in an emergency so it is important to have an individualized workplace emergency response plan if the employee's accommodation plan requires it.
- Use Hire for Talents suggestions for successful orientation and onboarding of new employees at <https://hirefortalent.ca/main/toolkit/hiring/171-basic-employee-orientation-and-onboarding-checklist>
- Employers should provide their employees with accurate information regarding working hours, information about the organization, security, health, safety, and rules and procedures that apply in the event of absences, delays, and emergencies. It is also important for the employer to provide the employee access to the materials on these topics, so they can be accessed as needed. Ideally the information would be available in multiple formats, depending on the individual's needs.
- Mentoring is a strategy that works well with the orientation of any employee. Mentoring allows for relationships to be built and gives the new employee an opportunity to better integrate into their new workplace both physically and socially.

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Workers' representatives should be consulted about any substantial adjustments made or planned to take account of specific needs of an employee with a disability.



## Training Policy & Guidelines

 [Watch Video](#)

Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).

### Inclusive Training: What does it mean?

- There are three aspects of inclusive training:
  1. training all employees around how to work with people from a wide variety of identities, backgrounds and experiences, while identifying key concepts such as unconscious bias and microaggressions
  2. training all employees on the organization's inclusive policies and
  3. ensuring any training courses or materials used in the workplace are accessible to all employees.

### Why is it Important?

- It is recognized that diverse and inclusive companies drive innovative results, experience greater profitability, and achieve increased long-term value creation.
- A regular cycle of training, seminars, and events that educate employees on the importance of diversity plays an important role in building an inclusive workplace, provides equal opportunities for advancement, and maintains a healthy and safe workplace.
- Educating and training employees on what inclusivity and anti-discrimination requires will reduce the risk that discrimination will occur in the workplace, and thereby reduce your legal risk as an employer. Failure to provide legislatively required training in your jurisdiction could also entail legal risk.

### Sample Training Policy

The following policy sample should be part of a larger training and orientation policy. This larger policy should also address any legislatively mandated training requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

[Name of Organization] is committed to training staff in [Name of Province]'s accessibility laws and aspects of the [Name of Human Rights Code that applies] that relate to people with disabilities. [Name of Organization] will train employees on accessibility as it relates to their specific roles.

Employment and advancement training courses will be available and accessible to all employees, including those with disabilities. Course manuals and materials will be modified where necessary.

## Putting it into Practice

- In some regions there may be local organizations that can assist small business owners to train, support, and accommodate employees with disabilities at little or no cost to the employer. Click on the button below 'Access a Free Consultation', to find out more.
- Information provided during training sessions should be presented in multiple formats given the diverse learning needs of your employees.
- Inclusion training, discussions, and actions need to be ongoing. Change cannot be achieved from training alone. As with any form of behaviour change, it involves identifying opportunities to develop new habits, while equipping employees with skills and information.
- Use Hire for Talent's Training guide at [https://hirefortalent.ca/images/pdf/tools/7.1\\_Strategy-1-Training\\_EN.pdf](https://hirefortalent.ca/images/pdf/tools/7.1_Strategy-1-Training_EN.pdf)

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Check local legislation for any required human rights or employment training requirements.



# Performance Management Policy & Guidelines

 [Watch Video](#)

Employers: before implementing any policies, please read our [Note to Employer](#).

## Inclusive Performance Management: What does it mean?

- Performance Management refers to a process of creating a work environment where people can perform at their best in order to meet your business goals. Effective performance management addresses three key areas: developing employee's skills and abilities, rewarding employees equitably, and driving your company's performance.
- Inclusive performance management speaks to an overall approach that sets the tone around the values and expectations within your business. This involves: ensuring that the expectations for each employee's role are clearly communicated; assessing each employee's performance specific to their contributions to your business, opposed to personal bias or assumptions; training managers or supervisors to spot their own bias; reinforcing inclusive behaviours at all levels of your business; and actively seeking feedback around your evaluation process, what constitutes good performance and if your employees feel supported to be successful at work.
- Performance management of people with a disability, like most stages of the hiring process, is not very different from the supervision of any other employee.
- Employees with a disability must meet the same standards and requirements as others on job expectations, productivity, absenteeism, delays, conflicts, safety, etc. Despite this, managers must understand that employees cannot all be supervised in the same way. Managers must be able to adapt the supervision of each employee to best meet the needs of the individual, supporting each employee to fully participate and achieve career growth.

## Why is it Important?

- After the hire, the focus shifts to employee retention. Each employee, whether they have a disability or not, is different. Creating a culture where all employees feel respected and appreciated requires some effort but will benefit all employees.
- High performing organizations actively encourage employees to stay with them by providing guidance on current performance and opportunities for development. Just like other employees, people with a disability are looking for positions that allow them to reach their full potential.
- Most employees interpret 'equity' as being directly related to 'fairness'. If an employee has an experience or belief that a workplace environment or system is unfair or biased, this can lead to job dissatisfaction and frustration. Inclusive performance management helps to mitigate this issue by seeking feedback around the evaluation process, along with what constitutes 'good performance' and what



is needed to be successful at work. While studies indicate that a high percentage of employees who experience a disability are solid performers with strong attendance and safety records, fairness in relation to performance management processes continues to be of interest to all employees.

- Failure to apply appropriate management methods to ensure that an employee with a disability is appropriately supervised in a way that respects and accommodates their needs will increase the risk of minimizing their contribution, growth and career advancement. Employers should be aware that some jurisdictions have special requirements in accessibility legislation pertaining to performance management, and failure to meet these requirements could create a legal liability.

## Sample Performance Management Policy

The following policy sample should be part of a larger performance evaluation and management policy. This larger policy should also address any legislatively mandated orientation requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

When providing performance management and career development information to an employee with a disability, [Name of Organization] will take into account the accessibility needs of the employee and, as applicable, individual accommodation plans.

## Putting it into Practice

- Communicate with employees to set clear performance goals in understandable language so there is an impartial standard by which to judge performance rather than using observations of capabilities.
- Stay current around an employee's accommodation plan to ensure that all relevant accommodations are implemented and taken into consideration, if applicable, during the performance review.
- When assessing the performance of an employee with a disability it is important to differentiate between performance-related issues and disability-related needs so they can be managed in appropriate ways.
- It is not necessary to avoid providing constructive feedback which would support the employee with a disability, to adapt their behaviour and learn on the job.
- Stay flexible and open to suggestions from the employee: a person with a disability knows better than anyone what their strengths and limitations are and may be able to tell their manager how they could do their job more effectively.
- Provide training to senior staff so that they, in turn, support a diverse and inclusive workplace by recruiting, retaining, and promoting employees with disabilities.
- Encourage the building of relationships between all employees by:
  - Invite employees with disabilities to help shape training about inclusion and diversity, in a way that feels comfortable and respectful to them.
  - Include staff with disabilities in decision-making processes and ensure that they are represented at all levels of the business.
  - Commit to creating accessible social workplace activities.
  - Include opportunities for staff to interact in accessible settings outside of work so employees feel more comfortable.
  - Create a work atmosphere based on respect, cooperation, and mutual assistance.
- Conduct exit interviews with all employees to find out why they decided to leave, and act on any recommendations that could improve inclusion in the workplace.



## Recruitment & Selection Policy & Guidelines

▶ Watch Video

Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).

### Inclusive Recruitment & Selection: What does it mean?

- Inclusive recruiting is the process of attracting, interviewing, selecting, and hiring a diverse set of individuals through understanding and valuing different backgrounds, experiences, and opinions. Inclusive recruiting should seek to attract applicants with diversity in a variety of areas such as age, gender, race, and ability.
- If the recruiting process is not inclusive, it will likely gravitate towards candidates that the interviewer connects with on a personal level or those that look like the employees already in the workplace. Diversity training can help identify and eliminate this type of unconscious bias.
- Hiring people with disabilities is NOT an act of charity, nor is it doing your part for society. Employers should focus their attention on finding the best person for the job, taking into consideration attitudes, abilities, skills, and personality. <sup>4</sup>

### Why is it Important?

- Companies with diverse workforces typically outperform their competitors and report having more satisfied employees.
- Building a diverse talent pool allows managers to see different perspectives, as well as recognize that experience can come from outside of the workforce.
- Diverse qualifications can add something new and exciting to a team, encouraging everyone to think outside their comfort zone and challenge new thoughts or ideas.
- To create inclusive teams, it is important for the recruiting process to encourage more diverse hires.
- Failure to engage in inclusive hiring (or worse, actively engaging in discriminatory hiring practices) can lead to legal liability under human rights and accessibility legislation.

### Sample Recruitment & Selection Policy

The following should be added to your larger hiring and recruitment policy. This larger policy should address the rules your organization will follow with respect to hiring and recruitment, the purpose of the policy, who the policy applies to in your workforce, who will be responsible for what obligations under the policy, and the procedures that must be followed under the policy in administering the hiring and recruitment process (including how applications will be assessed).

<sup>4</sup> <https://hirefortalent.ca/main/toolkit/hiring/170-hiring-intentions-and-best-practices>

<Name of Organization> is committed to an inclusive recruitment and selection process and will seek to attract applicants from diverse backgrounds in a fair and consistent manner.

<Name of Organization> will notify prospective applicants that accommodations for applicants with disabilities will be provided on request and will work with applicants to confidentially put into place the supports they might need.

Employers must also ensure that they comply with their jurisdiction's local accessibility legislation, which often imposes recruitment accessibility requirements. For example, Ontario's *Accessibility for Ontarians with Disabilities Act, 2005* has accessibility obligations for small employers in the hiring and recruitment process. This includes the obligation to inform applicants selected to participate in an assessment or selection process (like an interview) that accommodations are available upon request and to consult with an applicant who requests an accommodation to provide suitable accommodation. Such legislation is included in a list at the end of this guide.

## Putting it into Practice

- Ensure that your commitment to inclusion and diversity stands out at every step of the process, from sharing your policy to the messages and instructions used in your application system. As a small employer this does not need to be complicated. It can involve including your policy statement in your job postings and designing a simple application process that minimizes frustration and confusion.
- Get creative about where to advertise openings. Consider reaching out to your provincial hub via the button below, in order to increase your access to a more diverse labour pool. The Canadian Association for Supported Employment is a national network of employment specialists from coast to coast. We can connect you with a resource/agency in your area!
- If a particular group is not applying to open positions, find out where underrepresented groups are looking for jobs, the kinds of jobs they might be interested in, and what can be provided that might encourage them to apply.
- Make efforts to attend networking and community events that cater to a diverse range of job seekers.
- While having a set of qualifications and guidelines can be helpful, review them carefully to ensure they are not reducing the chances of finding a great hire.
- When you have been concise and brief in establishing the criteria you will use to measure applicants, shortlisting should be easy and less impacted by personal bias.
- By making the recruiting and hiring process collaborative, a business owner is more likely to find individuals who do not fit a traditional mould. Include others in the decision to reduce bias by taking different perspectives into account.
- An inclusive hiring process is just one part. If the focus is only on building an inclusive hiring process but ignores the company's culture, employees who don't fit the traditional mould will be unhappy when they get into their new role. To encourage retention, the entire work environment needs to be inclusive.
- Explore the Hire for Talent "Selection Process" resource at <https://hirefortalent.ca/main/toolkit/interviews/59-selection-process>
- In many regions, service providers are available to assist employers during the process of hiring people with disabilities and to help guide newly-hired employees in developing and enhancing self-advocacy skills and "soft skills" such as time management, organizational skills, and social skills. <sup>5</sup>

<sup>5</sup> <https://hirefortalent.ca/main/toolkit/recruitment/53-types-of-services-available-to-employers>



## Return to Work Policy & Guidelines

 Watch Video

*Employers: before implementing any policies, please read our [Note to Employer](#) and [Key Considerations](#).*

### Return to Work: What does it mean?

- In the event an employee must be away from the workplace for a disability-related reason, the employer or a designated supervisor along with the employee, work together to create and implement a plan to best support the employee in returning to the workplace. Sometimes this occurs in coordination with an applicable workers compensation agency, human resources and/or a union representative.
- A return to work plan should aim to return the employee to the position they held prior to their absence, identify potential barriers and determine solutions to address these, clearly communicate agreed upon timelines and a plan for accommodations (if required). This is also an ideal time to discuss any distinct changes that have occurred during the employee's absence that could impact their return and make a plan to mitigate this impact, e.g. changes in their department.

### Why is it Important?

- While prolonged absence from the workplace can have a detrimental impact on any employee's mental, physical, and social well-being, it is a common myth that people who experience a disability are unable to perform well at work when returning from an absence. On the contrary, an effective return to work plan that includes employee input can play a pivotal role in supporting a successful re-integration into the workplace.
- Effective return to work plans support employers in retaining talented and competent employees.
- Absenteeism as a result of illness or disability is costly to an organization through the cost of benefit payments and lost productivity. Promoting the early and sustainable return to work of employees who experience a disability can help reduce those costs.
- An employer with an inclusive and accessible workplace will be better prepared and equipped to implement a return to work plan, and an accommodation plan if needed.

### Sample Return to Work Policy

The following policy sample should be part of a larger return to work policy. This larger policy should also address any legislatively mandated return to work requirements in your jurisdiction, the purpose of the policy, the scope of the policy's application, who is responsible for administering which parts of the policy, and the procedures that must be followed under the policy.

<Name of Organization> has a return to work process for employees who are unable to perform any or all of their normal duties as a consequence of an injury or illness. The return to work process begins immediately after the injury or illness occurs.

<Name of Organization> will work in collaboration with the injured or ill employee in an effort to identify alternate or modified work that is both productive and safe. It is expected that all employees will cooperate fully in facilitating the timely return to work and accept alternate or modified work that is within their skills and abilities.

Any personal medical information will be held in the strictest confidence.

## Putting it into Practice

- Contact with the employee should be seen as a caring gesture, not as a push to return to work.
- In general, employees who return to work after an absence covered by the local labour code or employment standards legislation have the right to return to their jobs or a similar job, subject to undue hardship or other limitations provided by local laws. This will often require that the employee only be replaced on a temporary basis and the position be held until the employee returns. Where the employee is replaced permanently and is denied an opportunity to return to work, the employer will be at a greatly increased risk of being seen as not having met the duty to accommodate and may be in violation of applicable employment standards legislation.
- To ease an employee's transition back to work, open communication about their needs and expectations is critical to success. To prepare, it is helpful for employers to stay in touch with the employee while they are off work. Maintaining contact helps the organization understand the person's progress and potential needs, and contribute to a successful return to work. When doing so, remember to be patient and respectful.
- It is helpful to develop a written return to work plan in collaboration with the employee and with any relevant care professionals and insurers. The plan will clarify the employee's needs and expectations and provide a document that can be referred to and updated as circumstances change. Factors to consider in a return-to-work plan include (as needed):
  - flexibility for scheduling medical and/or other appointments
  - a gradual increase in work hours
  - reduced workload
  - reasonable accommodations as consistent with the limitations outlined by the employee and care professionals and which will not cause undue burden to the employer.

## Additional Considerations

(Provincial differences, unionized workplace considerations)

- Return to work programs may not be a legal requirement in some jurisdictions for employers with fewer than 50 employees (though you should review your local accessibility laws or obtain legal advice); however, some group benefit plans will require that one be in place.
- Workers' representatives should establish policies for job retention of people with disabilities in their proposals for collective bargaining.
- If a company is unionized, or has a worker/employee association, support for the employee's return to work program should be formalized and authorized by the appropriate level of union authority.



## Ableism

Ableism refers to attitudes in society that devalue and limit the potential of people with disabilities. Ableism may be conscious or unconscious, and may be embedded in institutions, systems, or the broader culture of a society. It can limit the opportunities of people with disabilities and reduce their inclusion in the life of their communities. Ableist attitudes are often based on the view that disability is an “anomaly to normalcy,” rather than an inherent and expected variation in the human condition. Ableism may also be expressed in ongoing paternalistic and patronizing behaviour toward people with disabilities. <sup>6</sup>

## Accommodation Plan

An individual Accommodation Plan is a written document that lists the accommodations an employee with a disability needs to make their job accessible. An Accommodation Plan ensures that the employer and employee (and any others involved) clearly understand their roles and responsibilities. The Accommodation Plan can be used for the purposes of accountability and monitoring.

## Barrier

Anything that hinders or challenges the full and effective participation in society of people with disabilities including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy, or a practice.

## Bona Fide Job Requirements

Bona fide job requirements are duties that are essential to the completion of a job. Requirements are not bona fide if they relate to incidental duties instead of essential parts of the job or are based on co-worker or customer preferences.

To be a bona fide job requirement, the requirement must be (1) rationally connected to the performance of the job, (2) adopted by the employer in a good faith and honest belief that it was necessary to accomplish the purpose for which it was adopted, and (3) reasonably necessary to accomplish the legitimate work related purpose for which it's adopted (to prove this, it must be shown that it is not possible to meet that purpose with accommodation up to the point of undue hardship).

## Disability

The definition of disability varies by province so check the [legislation](#) applicable to the local context.

The most widely accepted definition of disability is provided by the World Health Organization: Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. <sup>7</sup>

The Ontario Human Rights Code states that a disability may have been present at birth, caused by an accident, or developed over time. It defines “disability” as:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury,

<sup>6</sup> [http://test.ohrc.on.ca/sites/default/files/Policy%20on%20ableism%20and%20discrimination%20based%20on%20disability\\_accessible\\_2016.pdf](http://test.ohrc.on.ca/sites/default/files/Policy%20on%20ableism%20and%20discrimination%20based%20on%20disability_accessible_2016.pdf)

<sup>7</sup> [https://www.canada.ca/content/dam/esdc-edsc/migration/documents/eng/disability/arc/reference\\_guide.pdf](https://www.canada.ca/content/dam/esdc-edsc/migration/documents/eng/disability/arc/reference_guide.pdf)

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,

- a condition of mental impairment or a developmental disability,
- a learning disability, or a 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.<sup>8</sup>

## Discrimination

Discrimination is an action or a decision that treats a person or a group adversely in a way that is related to a protected characteristic identified by human rights law, such as race, age or disability. These protected characteristics, also called grounds, are protected under the Canadian Human Rights Act and provincial human rights legislation. Grounds for Discrimination in Canada that are generally recognized in these various forms of legislation are:

- race
- national or ethnic origin
- colour
- religion
- age
- sex
- sexual orientation
- gender identity or expression
- marital status
- family status
- disability
- genetic characteristics
- a conviction for which a pardon has been granted or a record suspended

Discrimination does not have to be intentional. Intent is irrelevant for establishing that discrimination occurred. All that matters is that an adverse effect is experienced and that effect is connected to a protected ground. That can include constructive discrimination, where a rule or requirement that isn't discriminatory on its face has an adverse impact on a person because it presents a barrier due to their disability.

Discrimination is often subtle. Discriminatory remarks are not often made directly, and people do not usually voice stereotypical views as a reason for their behaviour. Subtle forms of discrimination can usually only be detected after looking at all of the circumstances to determine if a pattern of behaviour exists.

<sup>8</sup> [http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability#\\_edn17](http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability#_edn17)

<sup>9</sup> <https://www.chrc-ccdp.gc.ca/eng/content/template-developing-workplace-accommodation-policy>

## Duty to Inquire

The duty to start a conversation about accommodation may shift to the employer if they know or ought to know from changes in an employee's attendance, behaviour or performance that the employee may need some form of accommodation. This is called the duty to inquire.<sup>9</sup>

## Inclusive

An inclusive workplace means that all employees have the opportunity to contribute and participate in the workplace in a barrier free environment. Critical to the notion of an inclusive workplace is a robust accommodation policy.<sup>10</sup>

## Service Animal

There are various types of service animals who support people with various types of disabilities. The law requires service animals to be permitted in the parts of the premises that are open to the public. In cases where another law prohibits a service animal from entering certain areas (e.g. a service animal would not be allowed in the kitchen of a cooking school), provide another way for the person to access the business' goods, services, or facilities.

## Support Person

A person with a developmental disability may have support workers or family members who assist them and may ask to be present at times such as interviews or meetings.

## Supported Employment

Supported Employment is a person-centred approach to assisting individuals with disabilities to prepare, obtain, and maintain integrated, competitive, paid employment. A variety of support is tailored to individual requirements.

## Systemic Discrimination

Systemic (or institutional) discrimination consists of attitudes, patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization or sector, and that create or perpetuate a position of relative disadvantage for people with disabilities. The attitudes, behaviour, policies or practices appear neutral on the surface but nevertheless have an "adverse effect" or exclusionary impact on people with disabilities.<sup>11</sup>

## Undue Hardship

The Supreme Court of Canada has stipulated that a person's disabilities must be accommodated unless the employer or service provider can prove that doing so would be an "undue hardship."<sup>12</sup>

Due to the individualized nature of "accommodation" or "undue hardship," it is difficult for courts to provide a comprehensive and specific definition or what these terms will require. Instead, it describes these terms using general principles, which are applied to specific circumstances on a case by case basis.

"Undue hardship" describes the point beyond which employers are not expected to accommodate. The factors to be considered in determining whether there is undue hardship from accommodation are not entrenched, except to the extent that they are expressly included or excluded by the relevant statute in your

<sup>10</sup> <https://www.chrc-ccdp.gc.ca/eng/content/template-developing-workplace-accommodation-policy>

<sup>11</sup> <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/6-forms-discrimination>

<sup>12</sup> <https://hirefortalent.ca/main/toolkit/legal-issues/48-undue-hardship>





jurisdiction.

For example, an accommodation would generally be considered overly burdensome if it would impose undue hardship or undue risk to the health or safety of any worker. Alternatively, an employer may be able to claim undue hardship if the cost of a proposed accommodation is considered excessively high, thus jeopardizing the business's survival, or if the accommodation threatens to change the business's essential nature (though cost-based defenses to discrimination claims can be difficult to sustain). The relative importance of these factors varies on a case-by-case basis. However, the term "undue" implies that there may necessarily be some hardship in accommodating someone's disability, and unless that hardship imposes an undue or unreasonable burden, it yields to the need to accommodate.

The requirement to accommodate up to the point of undue hardship means that employers must identify and eliminate any rules that have a discriminatory impact that cannot be justified under the law.

The goal is to prevent barriers to accessibility from occurring in the first place, rather than having to remove them retroactively. When we design inclusively from the start, our products and services work for everyone. Accommodation also means changing rules or practices to allow people to do things in a different way.

EXAMPLE: a small business's installation of an elevator is likely undue hardship, but the installation of a front door ramp is not.

A claim of undue hardship must be supported with facts. It is not enough to claim undue hardship based on an assumption or opinion, or because there is some cost. Employers must be able to substantiate the nature and extent of the hardship. They should also be able to show that all reasonable means of accommodation have been exhausted. To satisfy a claim of undue hardship on the basis of cost, the financial impact of the accommodation would typically have to be so great that it would either change the essential nature of the organization's operation, or it would substantially impact the employer's financial viability.

Employers should be innovative, practical, and timely when considering accommodation options. If an individual's need for accommodation can be met without imposing undue hardship on the employer, a refusal to accommodate is not justified.

The following are examples where accommodation could cause undue hardship:

- an employer cannot accommodate without seriously impacting business operations;
- an employee will not be able to return to work in the foreseeable future or is absent so often that it is no longer possible to accommodate them without causing the employer serious financial hardship;
- the employee's position is safety sensitive and, as a result, accommodation may pose a safety risk to the employee, his or her colleagues, clients and / or the public.



Legal documents related to hiring practices and/or disabilities.

International (UN)	<a href="#">Convention on the Rights of Persons with Disabilities</a>
Federal	<a href="#">Canadian Human Rights Act</a> <a href="#">Charter of Rights and Freedoms</a> <a href="#">Employment Equity Act</a> <a href="#">Accessible Canada Act</a>
BC	<a href="#">Human Rights Code</a> <a href="#">Employment Standards Act</a> <a href="#">British Columbia Accessibility Act, 2018</a> (pending final approval) <a href="#">Employment and Assistance for Persons with Disabilities Act</a> <a href="#">Workers Compensation Act</a>
Alberta	<a href="#">Employment Standards Code</a> <a href="#">Human Rights Act</a> <a href="#">Workers Compensation Act</a>
Saskatchewan	<a href="#">The Saskatchewan Human Rights Code</a> <a href="#">The Saskatchewan Employment Act</a> <a href="#">Saskatchewan Accessibility Act</a> (pending) <a href="#">The Workers' Compensation Act, 2013</a>
Manitoba	<a href="#">The Human Rights Code</a> <a href="#">The Employment Standards Code</a> <a href="#">The Accessibility for Manitobans Act</a> <a href="#">The Workers Compensation Act</a>
Ontario	<a href="#">The Ontario Human Rights Code</a> <a href="#">Employment Standards Act</a> <a href="#">Accessibility for Ontarians with Disabilities Act</a> <a href="#">Workplace Safety and Insurance Act</a>
Quebec	<a href="#">Charter of Human Rights and Freedoms</a> <a href="#">Act Respecting Labour Standards</a> <a href="#">Act Respecting Equal Access to Employment in Public Bodies</a> <a href="#">Act Respecting Industrial Accidents and Occupational Diseases</a>
New Brunswick	<a href="#">New Brunswick Human Rights Act</a> <a href="#">Employment Standards Act</a> <a href="#">Workers' Compensation Act</a>
Nova Scotia	<a href="#">Human Rights Act</a> <a href="#">Labour Standards Code</a> <a href="#">Nova Scotia Accessibility Act</a> <a href="#">Workers' Compensation Act</a>

PEI	<a href="#">PEI Human Rights Act</a> <a href="#">Workers Compensation Act</a> <a href="#">Employment Standards Act</a>
Newfoundland and Labrador	<a href="#">NL Human Rights Act</a> <a href="#">Labour Standards Act</a> An Accessibility Act is pending (consultation finished Feb 2019) <a href="#">Workplace Health, Safety and Compensation Act</a>
Yukon	<a href="#">Yukon Human Rights Act</a> <a href="#">Employment Standards Act</a> <a href="#">Workers' Compensation Act</a>
NWT	<a href="#">Human Rights Act</a> <a href="#">Employment Standards Act</a> NWT Disability Strategic Framework (note this is not legislated) <a href="#">Workers' Compensation Act</a>
Nunavut	Nunavut Human Rights Act <a href="#">Workers' Compensation Act</a> <a href="#">Labour Standards Act</a>

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