

ACCOMMODATION POLICY

Purpose

The purpose of this policy is to outline the circumstances in which accommodation may be required and describe the process of providing accommodation. This policy is consistent with the Ontario Human Rights Code, the legal duty to accommodate and the *Accessibility for Ontarians with Disabilities Act, 2005*.

Scope

This policy applies to applicants and members.

Definitions

Accommodation – the actions the College takes to ensure that applicants and members with professionally-recognized disabilities have equal access to its processes up to the point of undue hardship

Appropriate professional – a regulated health care professional or social worker that is qualified to provide necessary information about the applicant or member to assist the College in identifying a disability and accommodation needs

College process(es) – any interaction with the College including but not limited to applications, registration, membership renewal, practice advice, quality assurance, complaints and reports

Disability – s. 10 of the Ontario Human Rights Code:

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

Undue hardship – objective, real, direct and in the case of cost, quantifiable hardship to the College when striving to provide accommodation to an applicant or member .¹

¹ “Policy on Preventing Discrimination Based on Mental Health Disabilities and Addictions”, Ontario Human Rights Commission, Available Online: <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/14-undue-hardship>

Pursuant to s. 17(2) of the *Ontario Human Rights Code*, only three factors can be considered in assessing undue hardship:

- (a) Cost
- (b) Outside sources of funding
- (c) Health and safety requirements

Policy Statement

The College strives to reduce any barriers or obstacles that applicants or members might experience with regard to a College process as a result of a professionally recognized disability.

An applicant or member seeking accommodation must contact the College to request the accommodation as soon as possible and ideally at least 15 business days before a College deadline.

Applicants or members requesting accommodation will be asked to complete an Accommodation Application Form. Each application will be considered on its own individual merits.

The College may require information about the applicant's or member's diagnosis and their accommodation needs. In such cases, the information must be provided by an appropriate professional.

If an application is approved, the College will work with the applicant or member to develop a written individual accommodational plan ("IAP").

The IAP will include:

- The applicant's or member's name
- College process(es) and associated components which require accommodation
- Identified accommodation(s) deliverable by the College to the applicant or member
- The timeframe for delivery of accommodation(s) to the applicant or member

The application and IAP will remain confidential unless the information provides reasonable grounds to believe that the applicant or member suffers from a physical or mental disorder that would make it desirable in the interests of the public that the applicant not be permitted to practise midwifery.²

In the event the College does not have the knowledge to appropriately accommodate the needs of an applicant or member, the College will consult with external sources.

Accommodation will be provided up to the point of undue hardship for the College.

References (legislative and other)

² As required by s. 6 of the Registration Regulation, O. Reg. 168/11 under the *Midwifery Act*, S.O. 1991, c. 31 and s. 57 of Schedule 2, Health Professions Procedural Code under the *Regulated Health Professions Act*, S.O. 1991, c. 16.

Human Rights Code, R.S.O. 1990, c. H. 19.

Policy on Preventing Discrimination Based on Mental Health Disabilities and Addictions

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