Mental Health & Mental Illness Accommodations Policy

1. **POLICY STATEMENT**

ABC Company is committed to ensuring the health, safety and well-being of all of its employees. ABC Company also recognizes that mental health is a crucial factor in employees' overall health and that poor mental health and workplace stressors at the workplace can lead to a range of physical illnesses, as well as burn-out. In accordance with these principles and the requirements of [*province*] human rights laws, ABC Company will make reasonable accommodations to the point of undue hardship for job applicants and employees with mental health-related disabilities.

2. **PURPOSE**

The purpose of this Policy is to establish clear, fair and consistent rules and procedures for requesting, determining and implementing reasonable accommodations for mental disabilities.

3. **DEFINITIONS**

For purposes of this Policy:

"Disability" means: (a) a physical or mental impairment that substantially limits one or more major life activities; (b) a record of such an impairment; or (c) being perceived as having such an impairment, regardless of whether the perception is accurate.

"Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or applies for and does not include the marginal functions of the position.

"Reasonable accommodations" mean exemptions from or revisions to employment rules, procedures or schedules and/or alterations of the work environment that enable an employee or job applicant with a disability to perform essential job functions and enjoy equal employment opportunities without causing ABC Company undue hardship. Such accommodations may include, without limitation:

- Part-time work hours;
- Telecommuting;
- Work breaks and other work schedule adjustments;
- Sick leave for reasons related to mental health, flexible use of vacation time, additional unpaid or administrative leave for treatment or recovery and time off for therapy and other related appointments;
- Modification of job duties;
- Adjustments to lighting, work equipment and other physical aspects of the work setting;
- Additional or special training, supervision or oversight.

“Undue hardship” means significant difficulty or expense based on ABC Company resources and circumstances affecting the cost, feasibility or difficulty of providing a specific accommodation. Examples of accommodations inflicting undue hardship include, without limitation, those that would be unduly expensive, substantially disruptive in a way that exceeds mere business inconvenience, require fundamental changes to business operations, violate applicable health and safety laws and/or threaten any person’s workplace health and safety.

4. **RESPONSIBILITIES OF DIFFERENT PARTIES**

All ABC Company employers, supervisors and employees have shared responsibilities in implementing this Policy:

- 01 **Management:** ABC Company is responsible for:
- Ensuring that all job applicants and employees with disabilities are afforded equal opportunity and treated with professionalism, dignity and respect in the workplace;
- Ensuring that all workplace policies and procedures are non-discriminatory;
- Furnishing the resources necessary to implement this Policy;
- Ensuring that employees and job applicants are advised of their accommodation rights;
- Ensuring that requests for accommodations are addressed in a timely, fair, sensitive and, if possible, confidential manner based on the individual needs and circumstances involved;
- Ensuring that reasonable accommodations are provided to the point of undue hardship;
- Reviewing and revising this Policy as necessary to ensure its effectiveness.
- **Supervisors:** Supervisors are responsible for:
- Fostering an inclusive work environment by personally treating all employees and job applicants with professionalism, respect and dignity regardless of religion;
- Taking reasonably necessary steps to help ABC Company eliminate the barriers that prevent individuals with disabilities from enjoying equal opportunity;
- Dealing with requests for accommodations in a timely, fair, sensitive and, to the extent possible, confidential manner based on the individual needs and circumstances involved;
- Cooperating with individuals during the accommodations process, including but not limited, to ensuring that such individuals are notified of the information needed by ABC Company to evaluate their accommodations requests;
- Helping ABC Company implement reasonable accommodations provided;
- Helping ABC Company review and revise this Policy as necessary to ensure its effectiveness.
- 03 **Employees & Job Applicants:** Employees and job applicants requesting accommodations are responsible for:
- Following the religious accommodations procedures set forth in Section 5 below;

- Cooperating in all phases of the accommodations process;
- Answering questions or provide information about relevant restrictions or limitations;
- Taking part in discussions about possible accommodation solutions;
- Accepting offers of accommodations that are reasonable and meet their needs even if the offered accommodations are not their first choice.

5. **ACCOMMODATIONS PROCESS**

ABC Company will provide accommodations on a case by case basis based on an individualized assessment of the individual's needs and capabilities and the particular situation and following the accommodations process set forth below.

- 01 **Requesting Accommodations**

Employees and job applicants are responsible for initiating the accommodations process by requesting accommodations using one of the following methods:

- Completing the Disability Accommodation Request form and submitting it to [*list, e.g., HR de*partment] (recommended method);
- Completing the online version of the Disability Accommodation Request form on the Company website [link];
- Emailing a request to [email address];
- Calling [phone nu*mber*] to make an oral request.

In their requests, employees and job applicants must advise ABC Company that they have a mental disability and make their accommodations needs known to the best of their ability, so that those processing the request can decide whether to make the requested accommodation. ABC Company will keep accommodations requests confidential, in accordance with Section 6 below.

Supervisors or managers that receive oral requests for an accommodation must immediately notify HR and instruct the employee or job applicant to submit the request using one of the above methods. Those seeking accommodations are strongly urged to make their requests for accommodations as soon as possible to avoid delays in providing reasonable accommodations.

- **Initial Response**

[*Department*] will contact the employee or job applicant in writing within two business days of receiving the accommodations request.

- 03 **Documentation of Disability & Need for Reasonable Accommodation**

ABC *Company* may require employees and job applicants to provide information to support their requests and need for accommodation. Information required to support an accommodations request may include:

- Verification that the requestor has a mental disability;
- The limitations or needs associated with the disability;
- Whether the individual can perform the essential functions of the job, with or without accommodation;
- The type of accommodations that may be necessary to allow the person to perform the essential functions of the job; and
- Regular updates about when an employee on leave related to the disability expects to return to work.

- **Determination of Disability**

After a request for a reasonable accommodation is made, [*person/office*] will make a determination of disability, which may include a review of medical documentation. If the condition is determined not to be a disability, [*person/office*] will notify the requestor in writing that their request for reasonable accommodation is denied. The requestor will then have 10 calendar days to appeal the determination to [[*person/office*].

- **Process for Determining Accommodation(s) to Make**

If the condition is determined to be a disability, [*person/office*] will notify the requestor and both sides will engage in the following interactive process to figure out what reasonable accommodation(s) should be made:

- The first step will be to discuss the purpose and essential functions of job. [*Person/Office*] will ask the immediate supervisor to provide a description of the job and also ask the supervisor to complete the ABC Company Essential Functions Analysis form.
- [*Person/Office*] will then determine the job-related limitations created by the employee or job applicant's disability, including requesting and evaluating documentation from the employee or job applicant's medical professional.
- The employee or job applicant's limitations will be communicated to the appropriate unit personnel to help the [*person/office*] identify the potential accommodations and assess the effectiveness of each accommodation that may enable the employee or job applicant to perform the essential functions of the job.
- [*Person/Office*] will recommend the reasonable accommodation(s) that's most appropriate for both the individual and ABC Company and establish a timeline for evaluating the effectiveness of the accommodation, if appropriate. While the individual's preference will be considered, [*person/office*] may choose a different reasonable accommodation.
- If the individual seeking the reasonable accommodation or his/her hiring unit disagree with the accommodation decision of the [*person/office*], the [*alternate person/office*] will make the final determination as to the appropriate reasonable accommodation.
- Once the reasonable accommodation document is completed and agreed to by all parties, the employing unit will implement the agreed accommodation.
- The employee, job applicant or supervisor may contact [*person/office*] at any time there is a question about the continuing nature of a reasonable accommodation, or changes to the reasonable accommodation are necessary.

6. **PRIVACY & CONFIDENTIALITY**

ABC Company will keep all records of reasonable accommodations requests confidential in a secure location, separate from employee or job applicant personnel files and not disclose them to third parties except as necessary to process the request or otherwise required by law.

7. **NO RETALIATION**

No employee or job applicant will receive adverse treatment with regard to their employment or job application in reprisal or retaliation for requesting or receiving

accommodations. ABC Company officials and personnel who engage in retaliatory actions in violation of this Policy will be subject to disciplinary action.