



RESOLUTION 2017-03

Reasonable Accommodation

Preamble:

The Supreme Court of Canada has described the goal of accommodation to mean that an employee who is able to work, even in an alternate role, may do so. The Ontario Human Rights Code ("the Code") gives everybody equal rights and opportunities and prevents discrimination and harassment based on seventeen grounds including disability.

WHEREAS police leaders ensure the safeguarding of fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Human Rights Code including the requirement of a discrimination free workplace, and

WHEREAS the policing industry has unique risks of visible and invisible injuries due to: physical injury associated with physical violence; fatigue management related to physiological challenges inherent to shift work; exposure to psychological stressors (e.g., witness of human suffering); exposure to biological, chemical, and physical agents that can cause a multitude of occupational illnesses; and, pressures associated with of high degree of public scrutiny present in the modern policing environment, and

WHEREAS workplace accommodation has increased in complexity and volume for both short-term and long-term disability, due in part to increased awareness, better access and improved treatment of mental health injuries. Medical accommodations occur whether the injury occurred in the workplace or not. Although workplace accommodation may be established by the employer, increasingly accommodations are a result of medical diagnosis with specific requirements placed on the employer, and

WHEREAS between 2015 and 2016, the number of police officers in Ontario decreased 1.5 per cent, limiting the ability of police services to find work for officers on medical accommodations that utilizes their specialized knowledge, skills and experience, and

WHEREAS the Code requires employers to accommodate employees up to the point of demonstrated undue hardship, based on considerations of cost, outside sources of funding, if any and health and safety requirements, if any, and

WHEREAS the police sector differs from other large civilian employers as medical accommodation typically restricts the ability to perform the duties of a police officer, namely: preserve the peace; prevent crimes and other offences and providing assistance and encouragement to other persons in their prevention; assist victims of crime; apprehend criminals and other offenders and others who may

lawfully be taken into custody; lay charges and participate in prosecutions; execute warrants; perform the lawful duties that the chief of police assigns; enforce municipal by-laws; and, complete prescribed training, and

WHEREAS large Ontario police services have reported in excess of five per cent of its workforce on medical accommodations, including examples of permanent or long-term medical accommodations beyond five years, representing millions in annual costs to meet its obligations under the Code, and

WHEREAS the Ontario Municipal Employer Retirement System has a disability pension for employees who are unable to work, and

WHEREAS a key criteria of the Canadian Armed Forces disability pension is a requirement to return to active duty from a disability within a prescribed time period.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police call on the Ontario Human Rights Commission to provide a position paper on the duty to accommodate to provide guidance specific to the police sector.

Submitted by: Jeff Channell, York Regional Police, OACP Budget, Finance & Asset Management Committee