

CUPE EMPLOYEES' PENSION PLAN
POLICY
ACCOMMODATION OF TRUSTEES AND ALTERNATE TRUSTEES
WITH DISABILITIES

1. INTRODUCTION

This Accommodation Policy outlines the Policy of the Board of Trustees (the "Board") of the CUPE Employees' Pension Plan (the "Plan") to accommodate the needs of current and future Trustees and Alternate Trustees with disabilities.

The goal of accommodation is to ensure the continued contribution to and participation of Trustees with a disability in the decision making and oversight role of the Board, as well as to allow all Trustees to enjoy equal benefit from and participation in the work of the Board.

This Accommodation Policy is modelled on the requirements of the *Ontario Human Rights Code*, R.S.O. 1990, c.H.19, as they apply to employment relationships.

2. DEFINING DISABILITY

The term "disability" means:

- (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, or
- (b) a condition of mental impairment or a developmental disability, or
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, or
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under a workplace insurance plan.

3. POLICY STATEMENT

Every Trustee shall be treated equally without discrimination on the basis of disability while performing his or her duties as a member of the Board. The Plan and the Board

shall accommodate the needs of any Trustee with respect to any disability they may have, provided that:

- (a) with the accommodation, the Trustee is able to perform the essential duties or requirements of his or her position on the Board, and
- (b) the accommodation does not result in undue hardship for the Plan or the remaining members of the Board.

4. ACCOMMODATION PROCEDURES

Each accommodation request that is made will be considered on an individual basis. A solution for one person may not work for someone else. Each individual person shall be assessed and accommodated individually.

The most appropriate accommodation is one that most respects the dignity of the individual with a disability, meets individual needs, best promotes integration and full participation, and ensures confidentiality.

Accommodation is a shared responsibility. Everyone involved, including the person seeking accommodation, as well as their employer(s), should co-operate in the process, exchange relevant information, and explore accommodation solutions together.

Some examples of accommodations include:

- (a) Increased flexibility in meeting hours or break times
- (b) Providing reading materials in alternative formats including digitized text, Braille or large print
- (c) Providing sign language interpreters or real time captioning for persons who are deaf, deafened or hard of hearing so they can participate in meetings
- (d) Providing attendant services
- (e) Creating changes to work sites

The effectiveness of the accommodation for each individual will be monitored and evaluated by the Board.

Circumstances of the individual, the ability to perform the essential duties of the job, the success of accommodation attempts, the co-operation of the Trustee and performance difficulties will all be relevant to determining reasonable accommodation.

5. UNDUE HARDSHIP

Decisions regarding undue hardship must be made on a case-by-case basis. The following are factors should be considered in assessing whether an accommodation would cause undue hardship:

(a) Costs

- The determination of cost as an undue hardship is based on the circumstances of the organization as a whole and the nature of the accommodation requested. In this regard, the Board must be mindful of its fiduciary duties in relation to the accommodation of Trustees with disabilities. The Board is a prudent Trustee, responsible for safeguarding Plan assets so that they are available to pay members pensions after they are retired and no longer able to work.

(b) Health and Safety

- There may be some situations where a health or safety requirement, legislated or not, effectively precludes someone from engagement. If the accommodation would contravene health and safety legislation, or would place the person at significant risk, then undue hardship will be considered to exist.

When the most appropriate solution might result in undue hardship, the Board will consider next-best measures that would not result in undue hardship.

6. REPLACEMENT OF TRUSTEE

The role of the alternate Trustees on the Board is to take the place of members of the Board who are unable to fulfill their responsibilities. When considering accommodation on a *short term basis*, it may be appropriate to rely on an alternate trustee to ensure that the duties and responsibilities of the Trustee requiring accommodation are fulfilled.

In situations where,

- (a) accommodation would not enable the trustee to perform the essential duties or requirements of his or her position on the Board, or
- (b) a trustee with a disability cannot be accommodated without undue hardship,

the Board may ask the Trustee to resign, or request that the Trustee be removed from his or her position by the party who appointed him or her, in accordance with the provisions of the Plan and Trust Agreement (as amended from time to time), *if the disability and the inability to accommodate is expected to continue on a long-term basis.*