

**Ontario Federation of Labour
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**Rights and responsibilities in respect of disability and
accommodation
Provide ourselves with the necessary tools**

The employment system analysis

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Despite progress achieved on the issue of human rights, it still is and always a difficult equation to combine persons with disabilities and the labour market.

Work organization, that is, “the logical harmonization of duties assigned to a group of individuals in order to achieve clearly defined common goals through the distribution of jobs among them and their coordinated exercise based on a hierarchy of power and responsibilities”,¹ is at the heart of this problem.

Work organization is a system comprised of several interrelated elements. Individuals are at the heart of that system; they design, influence, perform the work, and the way work is organized impacts in turn on them.

Now, individuals are different, and the same work, the same jobs, organized in the same conditions, may result in different consequences.

Thus, depending on the nature of their disabilities, persons with disabilities encounter in the workplace a multitude of obstacles and barriers inherent to the way in which the work is organized, whether it's access to employment, retention or working conditions.

How jobs are performed, how they are distributed among individuals, work schedules, employment status, the physical and ergonomic environment, are various aspects of the work organization, various elements of the employment system in which

¹ Dictionnaire Canadien des relations de travail

we must intervene. Knowing well the various elements of the employment system of a company enables us to approach our fight against discrimination under a systematic angle rather than on a case by case basis. The analysis of all the elements of the system illustrates the changes required in order to ensure a workplace free of discrimination. In doing so, we collectively assume the changes necessary for the harmonious integration of persons with disabilities rather than let them demand the necessary changes alone.

The employment system analysis

The analysis of the employment system is, in my opinion, the tool of choice to identify the barriers encountered by persons with disabilities. In order to conduct this analysis, we must review every aspect of a company's employment system, from the hiring process to retirement, by looking at the rules and practices in effect in the organization, as regards their results or discriminatory consequences on persons with disabilities.

For instance, do we know the answers to the following questions concerning hiring, staffing and working conditions?

Hiring

- what is the company's recruitment procedure?
- was the job offer advertised?
- are all the required qualifications really necessary in terms of administrative and safety efficiency, or do they have an exclusion effect?
- do the employment forms include discriminatory questions?
- are there written tests? an oral interview?
- are the interview rooms accessible?
- are there any selection criteria in addition to the basic requirements? which ones?

- how are skills assessed in relation to acquired experience?
- is there a medical examination? for what purpose? at which step in the hiring process does the examination occur?

Position staffing

- are the job requirements governed by the provisions of a collective agreement?
- how does the promotion mechanism work?
- are there jobs where access to promotions is a prerequisite?
- if seniority is a promotion criteria, is it the only one?
- are staff movements free of discrimination?

Working conditions

- are work schedules set?
- how many employee status are there? full time, part-time, on call
- are the work stations adapted to persons with disabilities?
- is there a position accommodation policy?
- are vehicles, equipment, work clothes, adapted?
- are benefits, retirement, insurance, available to persons with disabilities?
- what about conditions of access to training, development and retraining programs?

All the employment system elements, including our collective agreements, need to be looked into. To better grasp the situation as a whole, we must also ask ourselves :

- does our employer respect the legislation related to non-discrimination?
- must we file complaints and grievances in order to achieve respect for equality rights and non-discrimination?

- is there a program to integrate persons with disabilities into the company? Has this program been negotiated?

and, finally, who handles this issue in our Local or our union?

The employment system analysis may sometimes appear difficult and tedious. It is not so. It's an analysis that is conducted step by step within an exercise designed to identify all the barriers and obstacles preventing persons with disabilities from participating fully in the labour market.

Only a detailed analysis of each of the elements of the employment system can inform us about all the barriers and obstacles persons with disabilities are faced with. From that analysis will come the solutions to be advocated and the corrective action to be taken.

And so, we can ensure that persons with disabilities will be treated without discrimination in the workplace, always keeping in mind the words of Justice Rosalie Silberman Abella in the Royal Commission report on equality in employment :

“Equality sometimes requires identical treatment of individuals despite their differences, and sometimes particular treatment adapted to their difference.»²

² SILBERMAN ABELLA, Rosalie. “Equality in employment. A royal commission report”, October 1984 chapter 1, page 3.