

Guidelines for Accommodations for Postgraduate Trainees with a Disability

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Purpose

The purpose of this document is to establish agreed upon principles and procedures regarding accommodation for postgraduate trainees with a disability.

The University of Toronto, Faculty of Medicine, Post MD Education is committed to the reasonable accommodation of the needs of postgraduate trainees with documented disabilities by making efforts to create a barrier-free learning environment, and by providing other supports and services within the limits of available resources.

Scope

This document applies to all individuals with disabilities who are: considering applying to the PGME residency training programs; have applied to the PGME residency training programs; have been accepted into a PGME residency training program; or are currently enrolled in a PGME residency training program.

Definitions


1. **Disability:** Section 10 of the Ontario Human Rights *Code* defines “disability” as:

- 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 an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

“Disability” includes both present and past conditions, as well as a subjective component, namely, one based on perception of disability. It is the OHRC’s position that anticipated disabilities are also covered by the *Code*.


Examples of disabilities include paralysis and immobility, vision or hearing impairment, brain injury, diabetes, epilepsy, blood borne pathogens, anxiety and mood disorders, addiction, attention deficit hyperactivity disorder, autism spectrum disorders, and specific learning disorders.

2. Accommodation

Accommodations are adjustments to the learning and working environment that permit people with disabilities to have equitable opportunities to succeed, and to access equal benefits of education and employment. Accommodations serve to remove the barriers to achievement brought on by disability but do not change or lower the standards that a postgraduate trainee is required to meet.  Accommodation is a legal obligation.

3. Discrimination

Discrimination occurs when an individual experiences an adverse impact where a characteristic

protected by the Human Rights Code (e.g. disability) was a factor. Intent is legally irrelevant for establishing that discrimination occurred. Discrimination can be direct, for example excluding a person with a disability from a vital component of the training program or not providing examination accommodation which would permit for valid assessment of knowledge or skills. Discrimination can also be subtle, for example excluding applicants on the basis of gaps in work history that may signal the presence of a disability. 

Background

Postgraduate trainees with disabilities are entitled to the same opportunities and benefits as those without disabilities. In some circumstances, those with disabilities may require short or long-term accommodation to enable them to successfully complete their training.

Accommodation is a legal obligation and the goal of any accommodation plan is to allow equal benefit from, and participation in services, education or the workplace. Accommodations are not an advantage, but rather they facilitate the ability of an individual to reach their full potential in the educational and work environment. Acceptance of disability in the work and learning environment, as evidenced by implementation of accommodations further supports diversity in the university community. Reasonable accommodation may require members of the University community to exercise creativity and flexibility in responding to the needs of postgraduate trainees with disabilities. However, such accommodation cannot compromise patient safety and well-being and must take into consideration the rights of other postgraduate trainees.

Regardless of disability, all postgraduate trainees must meet educational standards and demonstrate all required competencies for certification and independent practice which are determined by the Royal College of Physicians and Surgeons of Canada or the College of Family Physicians of Canada.

Accommodation is a shared responsibility. It is most effectively provided when those involved, including the postgraduate trainee, approach the process with fairness, sensitivity, respect for confidentiality and co-operation. This requires the exchange of relevant information to the appropriate parties, and constructive negotiation to reach mutually acceptable solutions.

Duty to accommodate

The University of Toronto has a legal duty to accommodate the needs of postgraduate trainees with disabilities. The duty to accommodate is established by the Ontario Human Rights Code

and upheld by the Ontario Human Rights Commission. The purpose of the duty to accommodate is to ensure that persons who are otherwise fit to work are not unfairly excluded where working conditions can be adjusted without undue hardship [Supreme Court of Canada].

The duty to accommodate compels the University of Toronto, the residency and fellowship Programs, and the teaching sites (hospitals, clinics, family health teams etc.) to respond to individual requirements for accommodation. The obligation expands beyond individual requests to inclusive policy design, and the cultivation of a broader climate of equal opportunity for postgraduate trainees.

Undue hardship

The University of Toronto has a duty to provide accommodations to postgraduate trainees to the point of undue hardship. The following may be considered undue hardship:

- Additional cost that compromises the viability of the program [SEP]
- Compromise of the health and or safety of the postgraduate trainee with the disability, patients, [SEP]colleagues, or supervisors [SEP]
- Substantial interference with the rights of colleagues [SEP]
- Inconvenience, preference and modest cost are not valid considerations in assessing whether an accommodation would cause undue hardship. [SEP]

Guiding Principles

1. Confidentiality

Where postgraduate trainees personal health information is shared with the Director/Associate Director, Postgraduate Wellness Office (PWO), it will be treated confidentially and will not be disclosed without explicit consent, unless it is determined that the disability presents a credible threat to the safety of the trainee or others. Personal health information is stored in a locked cabinet in the PWO, and/or on a secure confidential server that can be accessed only by the Director/Associate Director PWO. The Postgraduate Education Coordinator and wellness consultants have access to this information in emergency situations.

Only the functional limitations and required accommodations, and NOT the nature of the disability, will be disclosed to the Program Director. The Program Director may then disclose

the accommodations with others only on a need-to-know basis. For example, the requirement for an alternative call schedule must be shared with the individual responsible for scheduling. As another example, a faculty preceptor who performs exposure-prone procedures must be informed that the postgraduate trainee under his or her supervision is restricted from performing them.

Programs are reminded not to request personal health information from trainees. This includes, but is not limited to, the exact nature of a disability, or treatments undertaken.

Suspensions, dismissals, practice restrictions and leaves of absence due to professional misconduct, incompetence or incapacity are reported to the CPSO as per section 85.5 of the Registered Health Professionals Act. The Postgraduate Office reports leaves to the CPSO but not the reason for the leave, unless otherwise obligated to do so by the Act.


2. Essential competencies

Accommodations should not be misinterpreted as lowering academic standards or competencies of a postgraduate trainee/physician.


3. Procedural Consistency

Processes involved in determining accommodations should be consistent across the University of Toronto Postgraduate Programs.

4. Abilities

The focus of accommodations and related policy/procedures should be on the abilities, essential skills and competencies a trainee needs to provide safe, effective, clinical patient care. Supportive and enabling accommodations can allow learner physicians with disabilities to demonstrate their abilities. These abilities and the resources required to accommodate, may differ across the continuum of education and practice, but there should be as much alignment as possible between UGME, PGME and into clinical practice. 

5. Patient care and safety

When considering and making accommodation decisions, patient care and safety are of primary importance. If the system provides the necessary supportive and enabling accommodations, learners can provide equally safe patient care from a different perspective. 

6. Equity

Accommodations provided to trainees should be equitable, within the confines of a particular discipline or training site. That is, accommodations should be applied fairly within a particular discipline or training site.

7. Shared responsibility

It is the responsibility of the trainee to identify their accommodation need. It is the Program/university/training site's responsibility to respond to the request in accordance with Ontario Human Rights legislation and university policy.

8. Diversity

People with disabilities have been underrepresented in the health professions. Accommodations for disabilities contributes to the promotion and support of the inclusion of those with disabilities into medicine, and respects the value of the unique perspective those with disabilities bring to the field of medicine.

Processes:

-Informing trainees of the process to obtain an accommodation: all trainees are informed of the process for obtaining accommodations in a statement appended to the letter of offer, and in an email sent to all trainees at the start of each academic year.

-Identification of trainee with a unique need: (i) A trainee can self-identify before the start of training program or during training program that they have a disability requiring accommodation; (ii) a trainee can indicate on the Learner Education Handover document that they had an accommodation in undergraduate medicine training program and requests the opportunity to discuss with Director/Associate Director, PWO; (iii) If a trainee informs the program director regarding the need for an accommodation, the program director will refer the trainee to the Director/Associate Director, PWO where next steps will be determined; (iv) A program identifies a postgraduate trainee in difficulty, and refers to the Director/Associate Director for further exploration if a disability potentially requiring accommodation is suspected.

For process of obtaining an accommodation, see Appendix 1 flow chart (attached).

While every attempt will be made to preserve confidentiality, specific information regarding the postgraduate trainee's *functional limitations* may be shared in order to consider and/or implement appropriate accommodations. This will be reviewed with the postgraduate trainee during the process who may at any time decline to disclose specific information, understanding that it may impact the accommodation process.

When there is uncertainty or disagreement between the postgraduate trainee's request for accommodation and what the program determines reasonable, with the postgraduate trainee's permission, the case should be referred to the Board of Medical Assessors-PG for independent review. When there is a concern that the proposed accommodation might compromise patient safety, or cause undue hardship, the case should be referred to the Board of Medical Assessors-PG. The Terms of Reference for the PG BMA are attached as Appendix 2. Postgraduate trainees and/or Program Directors will be referred to the Director/Associate Director, PWO to understand and initiate the process. Recommendations of the BMA –PG, will be considered by the Dean through the Associate Dean, PGME who will determine the outcome.

If accommodations have been granted, interval reports may be periodically required from treating health care practitioners and accommodation plans reviewed regularly to ensure accordance between the accommodation needs of the postgraduate trainee and requirements of the program.

If it becomes apparent that despite reasonable training accommodations, the nature of the disability may prohibit the postgraduate trainee from successfully achieving the standards of the training program, the postgraduate trainee is encouraged to seek career counseling from a mentor, faculty member, or the PWO regarding alternative career options. Efforts to secure a change in career will be facilitated by the PGME office, with the understanding that not all postgraduate trainees selected for a University of Toronto PGME program are necessarily eligible for any other PGME program.

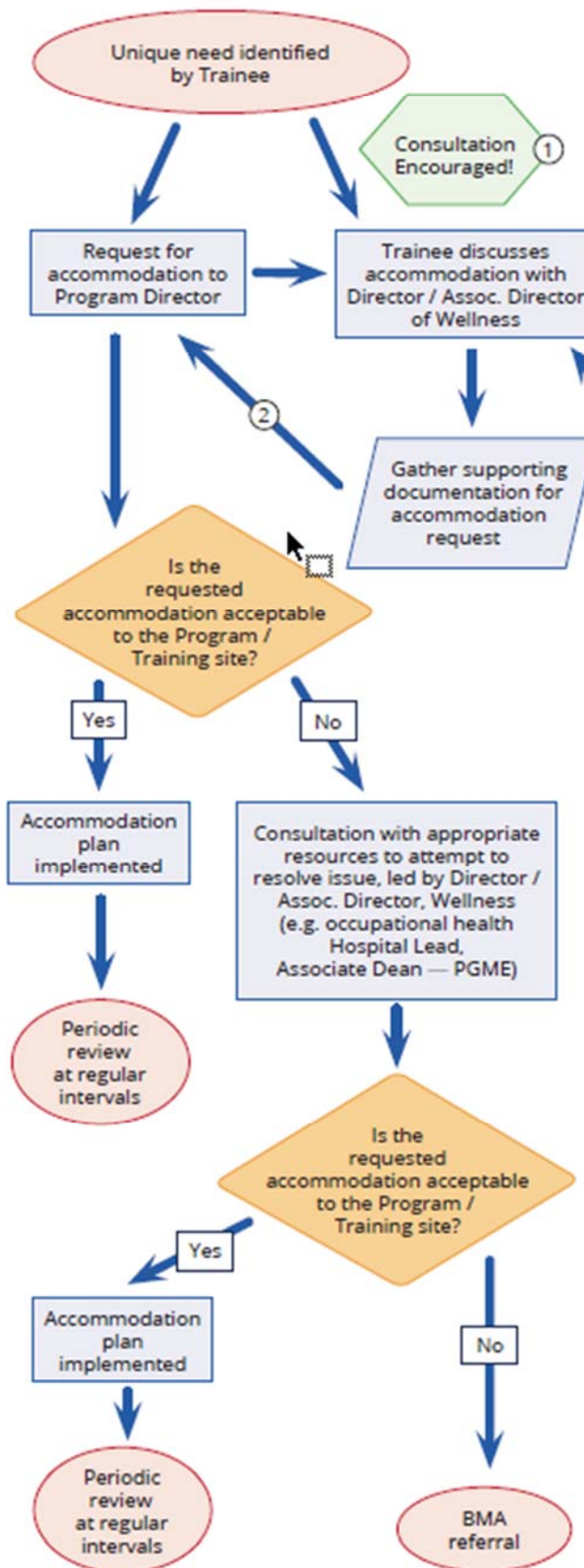
Postgraduate trainee with a communicable disease:

Accommodations for postgraduate trainees who have been identified with a communicable disease are reviewed by the Faculty's Expert Panel on Infection Control. The Panel reviews the procedures the postgraduate trainee will perform according to the Level of risk for blood borne pathogen transmission as outlined in the Society for Healthcare Epidemiology of America (SHEA) Guideline for Management of Healthcare Workers Who Are Infected with Hepatitis B Virus, Hepatitis C Virus, and/or Human Immunodeficiency Virus, March 2010. Program Directors are involved in the Panel's discussion of rotation service and call modification required to accommodate.

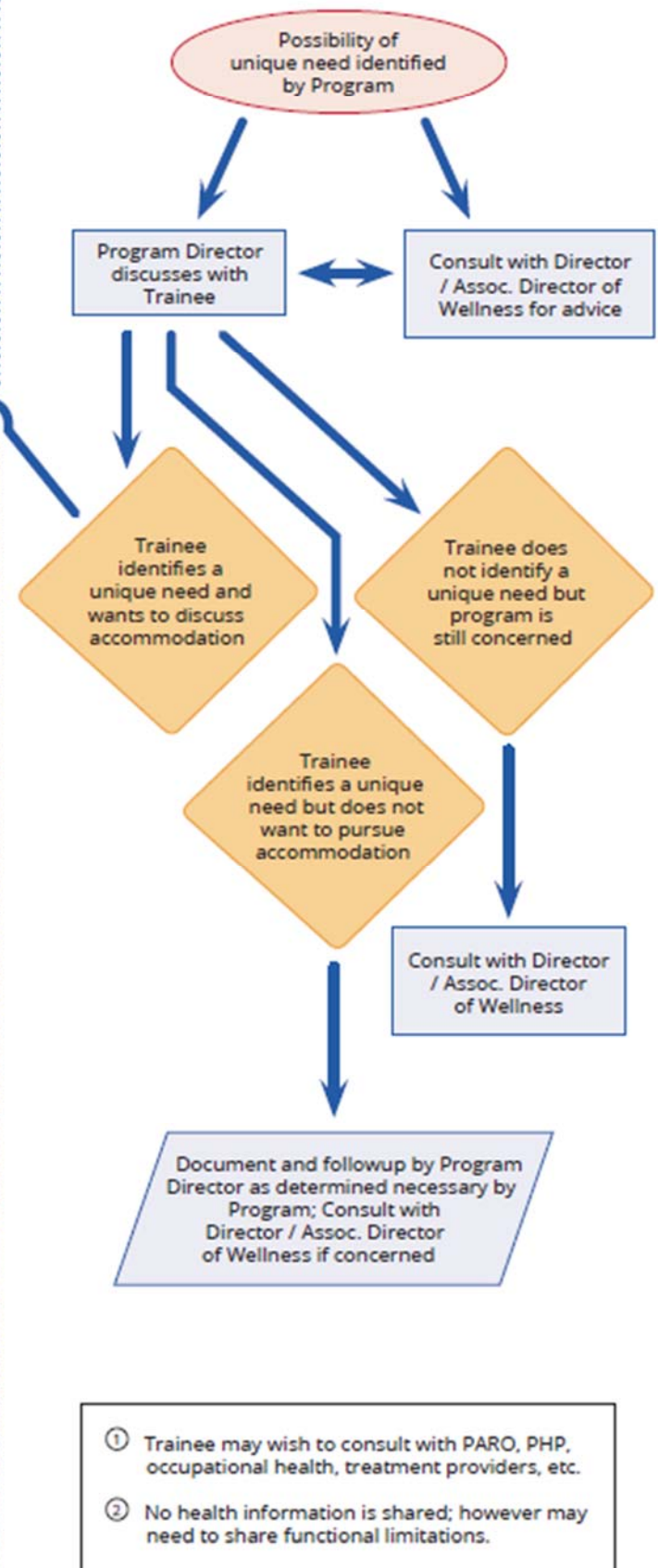
Appendix 1: Process Flow Chart

Appendix 1— Process Flow Chart

Process Part A



Process Part B



- ① Trainee may wish to consult with PARO, PHP, occupational health, treatment providers, etc.
- ② No health information is shared; however may need to share functional limitations.

Appendix 2: [BMA Terms of Reference](#)