



NOVA SCOTIA
Environment and Climate Change

**Policy on Accommodations for Certificate of Qualification Applicants with
Physical or Mental Disabilities**

Approved by:	Jason Hollett, Associate Deputy Minister
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Version control:	Replaces: Accommodation Policy for Water and Wastewater Operator Certification Exam

I. POLICY STATEMENT

This policy outlines the steps department staff will take to ensure accommodation requests are considered for applicants with physical or mental disabilities when planning to take certificate of qualification program training and examinations.

II. DEFINITIONS

Administrator Person appointed by the Minister for the purpose of administering Certificate of Qualification applications under the *Environment Act* and includes an acting administrator

Eligible Applicant Applicant with a physical or mental disability who possesses the required skills, education, experience, and training for a Certificate of Qualification (as noted in the applicable appendix below), and who can, with reasonable accommodation, perform the essential functions of the position

Physical or mental disability As defined in the *Human Rights Act*, which is amended from time to time, means an actual or perceived:

- (i) loss or abnormality of psychological,

- physiological or anatomical structure or function,
- (ii) restriction or lack of ability to perform an activity,
- (iii) physical disability, infirmity, malformation or disfigurement, including, but not limited to, epilepsy and any degree of paralysis, amputation, lack of physical co-ordination, deafness, hardness of hearing or hearing impediment, blindness or visual impediment, speech impairment or impediment or reliance on a service dog as defined in the Service Dog Act, a guide dog, a wheelchair or a remedial appliance or device,
- (iv) learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (v) condition of being mentally impaired,
- (vi) mental disorder, or
- (vii) dependency on drugs or alcohol

Reasonable Accommodation

Modification or adjustment to the application process or the environment that enables an eligible applicant to be considered for a Certification of Qualification that will not:

- cause “undue hardship” to the application or examination, or other applicable assessment and registration processes,
- bypass occupational requirements, or
- compromise accepted safety standards of the profession

III. POLICY OBJECTIVES

The Nova Scotia Department of Environment and Climate Change will make reasonable efforts to accommodate applicants with physical or mental disabilities.

IV. APPLICATION

This policy applies to Administrators under the Certificate of Qualification programs offered by Environment and Climate Change.

V. POLICY DIRECTIVES

Request for Accommodation

1. Requests for accommodation are to be made to the Administrator in writing. Verbal requests can also be accommodated. A request for accommodation must include:
 - a. the type of accommodation being requested, and
 - b. where available, a description of what accommodations the applicant has received in the past.

2. In the case of the Water and Wastewater Facilities and Public Drinking Water Supplies Regulations, water and wastewater operator applicants must also submit an accommodation plan from a qualified professional (physician or licensed health care provider).

Note: Please see the Appendices below for specific information relating to each of the programs. Regardless of the program type, do not provide information involving a diagnosis or medical condition. Information of this kind received will be returned immediately to the applicant.

Types of Accommodation

3. The Administrator will grant reasonable accommodation based on the request from the eligible applicant. In cases where the applicant's specific request cannot be accommodated, the Administrator will work with the applicant to determine reasonable accommodation to address barriers faced during the application process.

Examples of accommodations that can be made for the application process include, but are not limited to:

- assistance in completing application forms,
- methods of communication that differ from the Nova Scotia Department of Environment and Climate Change's regular process.

Examples of accommodations that can be made for the Nova Scotia Department of Environment and Climate Change's examinations include, but are not limited to:

- additional time,
- alternative times or locations for the examination,
- translation assistance (eg. reader, recorder, interpreter for the hearing impaired, voice-output software),
- modification of test material (eg. large font, coloured paper, computerized)

4. If the applicant and the Administrator cannot agree on what type of accommodation is appropriate, the Administrator will decide as to what accommodation will be provided.
5. The Administrator may decline to provide any accommodation when doing so would circumvent a bona fide occupational requirement or professional safety standard.
6. The applicant will be responsible for the certification exam or application fee.

Privacy

7. Information may only be collected, used and disclosed in accordance with the provisions of the FOIPOP Act. The authority for the collection use and disclosure under the FOIPOP Act is as follows:
 - a. Collection - As a part of offering certificate of qualifications for individuals of varying needs the department must collect pertinent personal information in order to provide appropriate accommodation. This is permitted under FOIPOP since it allows for collection of that information relates directly to and is necessary for an operating program or activity of the public body.
 - b. Use - FOIPOP provides that a public body may use personal information for the purpose for which it was obtained or compiled, or for a compatible use. The use of the personal information will be to determine what an appropriate accommodation would be and provide it to the person seeking a certificate of qualification. This is for the purpose for which it was obtained and therefore is legally authorized. The information may not be used for any other purpose without first consulting with Information Access and Privacy Services.
 - c. Disclosure – Environment and Climate Change will not as a part of its process for providing accommodation disclose personal information. If another circumstance arises where the disclosure of personal information is warranted it may only occur in accordance with section 27 of the FOIPOP Act.
8. Appropriate measures must be in place to ensure personal Information regarding accommodations are only accessible to those responsible for processing the application and providing said accommodation.
9. If for any reason a change to the collection, use, disclosure, access or storage of personal information collected with regards to accommodation is needed the department must first consult with Information Access and Privacy

Services.

10. Personal Information may not be stored or accessed from outside of Canada without first seeking appropriate approvals under the *Personal Information International Disclosure Protection Act* (PIIDPA).

Decision Letter

11. The accommodation decision will be provided to the applicant by letter or email with the reason(s) for the decision clearly set out in the document.
12. In the case the accommodation is denied, the following statement shall be included in the correspondence:

Under Section 137 of the Environment Act, a person who is aggrieved by a decision of an Administrator may appeal that decision to the Minister of Environment within 30 days of the date of this letter. The appeal must be submitted on the Notice of Appeal Form accessible at the following website address:

<http://novascotia.ca/nse/resources/permits.asp>

VI. APPENDICES

- Appendix A** [Pesticides Program](#)
- Appendix B** [Water & Wastewater Operator Program](#)
- Appendix C** [On-site Operator Program](#)
- Appendix D** [Groundwater Certification Program](#)
- Appendix E** [Petroleum Installer Program](#)

Appendix A: Pesticides Program

Only the type of accommodation is required to be submitted with the written or verbal request. Please do not send any other supporting documents unless otherwise requested by the Program Administrator.

Pesticide labels are legal documents as established by Health Canada so, it is a bona fide occupational requirement that applicants must be able to read, comprehend and follow label directions. Labels are available in English and French and so exams; study materials and all other communication are only available in English and French.

Submitting a Request:

Requests for accommodation can be emailed to PesticideApplications@novascotia.ca.

Appendix B: Water & Wastewater Operator Program

Only the type of accommodation is required to be submitted with the written or verbal request. Please do not send any other supporting documents unless otherwise requested by the Program Administrator.

The applicant must have met the education and operating experience requirements in the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations* for the level of certification applied for.

Submitting a request:

The applicant must have submitted the form "Request for An Accommodation for Operator Certification Exam". Completed forms can be emailed to wwoc@novascotia.ca or mailed to 1894 Barrington St, Halifax, NS, B3J 2P8.

The applicant must have their disability diagnosed by an individual qualified to make a diagnosis. The qualified individual must provide the applicant with the following information on their professional letterhead:

- a. A recommended accommodation plan for the disability that will allow the applicant to challenge a certification exam. Do not include the diagnosis or medical history/information
- b. The date that the disability was diagnosed
- c. Qualified Individual's signature
- d. If not licensed, please note credentials that allow you to diagnose the disability

Appendix C: On Site Operator Program

All training and examinations required for the consideration of being issued a certificate of qualification as an Installer or Qualified Person in Nova Scotia are administered by Wastewater Nova Scotia (WWNS) and are subject to their policy, if any, for accommodations. Any requests for accommodation of WWNS requirements for installers or Qualified Persons shall be made directly to WWNS at wwns@eastlink.ca.

Requests for accommodation for the Onsite Septic Cleaner Exam may be made to the On-Site Program administrator. Requests for accommodation should be sent to onsite@novascotia.ca. In relation to section 2 above, only the type of accommodation is required to be submitted with the written or verbal request when making the application to Environment and Climate Change following the completion of the WWNS process. Do not send any other supporting documents unless otherwise requested by the Program Administrator.

Submitting a request:

Requests for accommodation for consideration of issuance of a certificate of qualification from Nova Scotia Environment & Climate Change are limited to assistance in completing the application forms or alternative means of communication. Requests for this type of accommodation can be sent to: onsite@novascotia.ca.

Appendix D: Groundwater Certification Program

All training and examinations required for the consideration of being issued a certificate of qualification as a Pump Installer, Well Driller or Well Digger in Nova Scotia are administered by Nova Scotia Groundwater Association (NSGWA) and are subject to their policy, if any, for accommodations. Any requests for accommodation of NSGWA shall be made directly to them at nsgwa@ns.aliantzinc.ca.

Only the type of accommodation is required to be submitted with the written or verbal request when making the application to Environment and Climate Change following the completion of the NSGWA process. Please do not send any other supporting documents unless otherwise requested by the Program Administrator.

Submitting a Request:

Requests for accommodation for consideration of issuance of a certificate of qualification from Nova Scotia Environment & Climate Change are limited to assistance in completing the application forms or alternative means of communication.

Requests for this type of accommodation can be sent to:

groundwatercertifications@novascotia.ca

Appendix E: Petroleum Installer Program

All training and examinations required for the consideration of being issued a certificate of qualification as a petroleum installer in Nova Scotia, regardless of class, are administered by the Nova Scotia Community College (NSCC) and are subject to their policy, if any, for accommodations. Any requests for accommodation of NSCC requirements for petroleum installers shall be made directly to the NSCC at:

Nova Scotia Community College
School of Technology & Environment
5685 Leeds Street, PO Box 1153
Halifax, NS B3J 2X1

Attn: Julia Brandwin-Glait
School Manager
Phone 902-491-4258
Mobile 902-471-6953
Email : julia.brandwin-glait@nsc.ca

Only the type of accommodation is required to be submitted with the written or verbal request. Please do not send any other supporting documents unless otherwise requested by the Program Administrator.

Requests for accommodation for consideration of issuance of a certificate of qualification from Nova Scotia Environment & Climate Change are limited to assistance in completing the application forms or alternative means of communication.

Submitting a Request:

Requests for accommodation can be emailed Petroleum.Management@novascotia.ca