

# Accessible Employment Policy

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## **A. Introduction:**

We are committed to complying with the Accessibility Standard for Employment under The Accessibility for Manitobans Act. Our policies, practices and measures reflect principles of dignity, independence, integration and equal opportunity for people with disabilities.

We aim to remove barriers in our workplace. If a barrier cannot be removed, we seek to provide reasonable accommodations to affected employees.

The following policy statements, organizational practices and measures are intended to meet the requirements of Manitoba's Accessibility Standard for Employment.

This policy applies to all employees of Workplace Education Manitoba.

## **B. Pre-employment Accessibility Requirements:**

### **1: Remove barriers to recruitment and selection.**

#### **Policy Statement:**

During recruitment, we inform potential applicants that reasonable accommodations are available during the selection process, and we respond to requests for accommodations.

#### **Practices and Measures:**

- We include a statement on all job postings that reasonable accommodations are available to applicants with disabilities, and we seek their advice on how best to accommodate their needs.
- When making interview arrangements in writing or verbally, we inform applicants that reasonable accommodations are available during the assessment and selection processes.
- When an applicant has made a request for an accommodation during the selection process, we:
  - Consult with the applicant to determine the appropriate reasonable accommodation.
  - Put the appropriate reasonable accommodation in place during the assessment or selection process.

### **2: Mention workplace accommodations when offering employment.**

#### **Policy Statement:**

When hiring, we inform selected applicants of our measures, policies and practices for accommodating employees with disabilities.

#### **Practices and Measures:**

- We include information about workplace accommodations in our letter of offer to new employees.

- We include information about workplace accommodations in our new employee orientation materials.

### **C. Employment Accessibility Requirements:**

#### **3: Inform employees about reasonable accommodation policies and practices.**

##### **Policy Statement:**

We keep employees informed about our reasonable accommodation measures, policies and practices for employees with disabilities. We also provide updates to employees when this information changes.

##### **Practices and Measures:**

We provide information to employees about our policies for employees with disabilities through:

- Memos;
- staff emails;
- through discussions with management (in person, by phone or through email); and
- during staff meetings.

#### **4: Communicate in a way that meets employees' needs.**

##### **Policy Statements:**

- We aim to meet the communication needs of our employees by providing workplace information and communications in ways that are easy to access for everyone.
- If requested by an employee with a temporary or permanent disability, we:
  - Consult with the employee to identify the accessible formats, or communication supports needed when providing information to the employee.
  - Ensure that identified accessible formats or communication supports are continually used when providing information to the employee.

##### **Practices and Measures:**

- To meet an employee's communication needs, we ask the employee what accessible format or communication support is most appropriate for them.

#### **5: Provide individualized accommodation plans.**

##### **Policy Statement:**

Our policy is to provide reasonable accommodations by developing and documenting individualized accommodation plans for employees with disabilities who request them.

**Please refer E: Guide to individual accommodation plan for reference.**

## 6. Manage performance.

Performance management process means any process used by an employer to manage the work of individual employees or to plan, monitor and review an employee's work objectives and overall contribution to the employer's organization.

The first performance review will occur 6 months after appointment, then annually thereafter to discuss progress, new goals and any challenges. Existing or newly required workplace accommodations are discussed, including individualized accommodation plans and any assistance required during emergencies.

- We speak with employees when they do not follow company policy or meet expectations, and offer a spoken and written warning of consequences, including disciplinary action.
- Prior to imposing disciplinary measures, we consider whether there is a connection between concerns about job performance and workplace barriers.

## 7: We consider workplace accommodations to remove a barrier that may affect an employee's opportunities for training and advancement.

**Please refer D: Reasonable accommodation policy and individual accommodation plan for reference.**

## 8. Put return to work processes in place.

A return-to-work process is a proactive way to help employees with disabilities and health conditions to stay at work or return to work as soon as it is safe to do so. This typically involves modifying and graduating employee duties and hours at work, according to their functional abilities.

### **Policy Statements:**

Our return-to-work policy reflects our commitment to providing a safe and healthy working environment for employees who are, or have been, absent from work due to a disability or health condition, and require reasonable accommodations to return to work.

Our return-to-work policy ensures reasonable accommodations for employees who are at work or absent due to a disability or health condition. We will make efforts to modify employees' duties and work schedule based on their functional abilities. Our aim is to increase duties safely to help employees reach their full potential.

### **Practices and Measures:**

- We keep in touch with absent employees and the [Workers Compensation Board of Manitoba \(WCB\)](#) (where involved) throughout the employees' recovery to help them maintain a connection with their workplace and to show they are valued.
- We offer meaningful and productive modified or alternate duties that are safe and within the employee's functional abilities.
- We are flexible and tailor the return-to-work plan to the employee's needs.
- We ensure supervisors and co-workers support employees who have been absent due to a disability and participate in the return-to-work process.
- We educate staff on why returning to work is good for business and outline the expectations for supporting an employee in a modified role.
- We follow WCB's return to work process. See [Employers' Handbook for Accessible Employment](#).

- We recognize that pandemics, like COVID-19, pose serious health threats to people with pre-existing conditions, and we accommodate affected employees.

## 9. Provide workplace emergency response information.

Please refer emergency response plan for reference.

## 10. Maintain privacy.

### Policy Statements:

We protect the privacy and confidentiality of employee's personal information and personal health information. We only collect, use, and disclose information as required for the purposes of the Accessibility Standard for Employment, unless otherwise agreed to by the employee.

We also follow the requirements of other privacy legislation, including [The Freedom of Information and Protection of Privacy Act](#) (Manitoba) and [The Personal Health Information Act](#) (Manitoba).

### Practices and Measures:

- We follow proper protocol when storing confidential employee information.
- We protect our employees' personal information and personal health information at all times by locking files in cabinet and limiting access to human resources and managers only.

## 11: Provide training

### Policy Statements:

We provide training on how to accommodate employees with a disability to staff with the following responsibilities:

- recruiting, selecting or training employees;
- supervising, managing or coordinating the work of employees;
- promoting, redeploying or terminating employees;
- developing and implementing employment policies and practices.

Accommodation training will include:

- instruction about how:
  - employment opportunities may be made accessible to persons disabled by barriers;
  - to interact and communicate with persons disabled by barriers; and
  - to interact with persons disabled by barriers who use an assistive device or require the assistance of a support person or service animal;
- a review of *The Human Rights Code*, *The Accessibility for Manitobans Act* and its Regulations.

Training will be provided to employees as soon as reasonably practicable after an employee responsible for recruitment, selection, management is hired into their role, or provided those responsibilities.

#### **D. Reasonable Accommodation Policy:**

**Reasonable Accommodation:** A temporary or long-term adjustment to working conditions, duties, policies, rules, practices, programs, or the physical work environment to address work-related needs arising from a protected characteristic(s) identified in The Manitoba Human Rights Code, up to the point of undue hardship.

**Undue Hardship:** The limits of reasonable accommodation beyond which the employer does not have a duty to accommodate. Undue hardship is assessed on a case-by-case basis, considering various factors relating to the situation including, but not limited to, health and safety risk; disruption to collective agreements or other contract; financial costs; business efficiency; interchangeability of employees and facilities; impact on employees and service users; and workplace size.

#### **Practices:**

- An employee is to make a request for accommodation in writing to their supervisor. If an employee or external candidate requires an accommodation for a position they are applying for, the accommodation request should be made in writing to human resources.
- When a request for accommodation has been received, it is recommended that the supervisor contact human resources to discuss the request to ensure requirements are met.
- Where there is a duty to accommodate, the employer is ultimately responsible for determining the reasonable accommodation to be offered to the employee. The employee has a responsibility to actively participate in the accommodation process, and to immediately advise the supervisor if the accommodation requirement changes. Supervisors must ensure that all accommodation requests and measures offered and/or implemented are appropriately documented.
- Supervisors also have a responsibility to recognize situations where a medical condition may be affecting an employee's ability to perform all or some of their duties or is placing them or other individuals at a health and safety risk. In these situations, the supervisor must take reasonable steps to inquire about the employee's potential need for accommodation and follow up accordingly.
- There is a limit on the accommodation that an employer must provide. Employers may have to endure some hardship in accommodating an employee, but the hardship on the employer should not be overly excessive or undue. Specific factors are used to assess if there is undue hardship, including excessive financial costs and if the accommodation will create a health and safety risk for others. See the definitions for a list of other factors considered in determining undue hardship.

#### **Roles and Responsibilities:**

To ensure reasonable accommodation, there are responsibilities of employees, supervisors, human resources.

### Employees:

- Communicate the need for accommodation in writing without assuming the employer knows about the need for accommodation.
- Cooperate with the employer in a timely manner by providing all relevant and appropriate information to support the request for accommodation. This may include providing the employer with relevant medical information and/or the necessary authorization to communicate with relevant professionals, such as medical professionals, where necessary.
- Actively participate and cooperate in the search for and implementation of a reasonable accommodation, including working with all parties whose assistance is required to implement the accommodation.
- Make reasonable attempts to succeed in an accommodation, including meeting the agreed-upon performance standards after reasonable accommodations have been made.
- Advise the employer if the accommodation requirement changes (e.g., restrictions may have been removed or added) and/or if the agreed-upon accommodation is not working as intended.

### Supervisors:

- Assess a request for accommodation and seek additional assistance from human resources and CEO as required.
- Inquire regarding an employee's potential need for accommodation in situations where there is reason to suspect a medical condition may be impacting an employee's ability to perform some or all of their duties.
- Request additional information from the employee, and/or other experts, when further information is necessary in order to respond to the accommodation request.
- Work with all parties to identify and, where possible, offer a reasonable accommodation.
- Implement and monitor the accommodation process as required.
- **Document the entire accommodation process**, including all efforts made to identify possible accommodations, all accommodations considered, and why some were rejected (e.g., not considered reasonable).
- Process requests for accommodation in a timely and confidential manner.
- Participate in an accommodation plan of a new employee assigned to the work area.

### Human resource and CEO:

- Advise supervisors and employees on the application and interpretation of this policy.
- Support the accommodation process as needed.
- Ensure reasonable accommodation of employees during a selection process.

Link for Canadian Human Rights Commission : [Human Rights in Canada \(chrc-ccdp.gc.ca\)](http://chrc-ccdp.gc.ca)

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Link: [Civil Service Commission | Policy | Reasonable Accommodation \(gov.mb.ca\)](#)

## **E. Guide to Individual Accommodation Plan:**

**Employer – employee collaboration** is critical to identifying and implementing a reasonable accommodation that meets the individual’s needs and the workplace circumstances.

**Confidentiality** ensures that the accommodation requirements are a private discussion between the affected employee and management.

### **Steps to follow:**

#### **1. Request for an individualized accommodation plan**

We support employees by providing reasonable accommodations in the workplace. An employee may make a verbal request or send a written request to their manager, supervisor or other human resources representative for an individualized accommodation plan.

#### **2. Assessment of employee and accommodation required**

We will assess the employee and possible accommodations on an individual basis.

The employee is responsible for costs associated with obtaining medical information to support the accommodation (for example, costs associated with receiving a doctor’s note and/or other supportive documentation from their family physician or specialist).

If WEM requests an independent examination, then we will be responsible for paying for that particular expense.

#### **3. Assistance to the employee in developing the accommodation plan**

An employee may request assistance in the development of the plan, including:

- another person who is knowledgeable about workplace accommodations for employees with disabilities.

#### **4. Content of the accommodation plan**

The individualized accommodation plan includes:

- accessible formats and communication support, if requested.
- workplace emergency response information, if required.
- details of how and when any other accommodations will be provided.
- when the plan will be reviewed.

#### **5. Review of the plan**

Frequency of review: We will review an employee’s individual accommodation plan as required or on an annual employee reviews after that. We will update the accommodation plan as required.

We will also review, and update if required, an employee’s accommodation plan when:

- the employee’s workspace is modified or relocated
- the employee’s responsibilities have changed
- other workplace changes have occurred that affect the accommodation

- the employee has made a request to review and update the accommodation plan

## 6. Accessible formats

We meet the communication needs of our employees by providing them with a copy of their plan or an explanation for denying the request to introduce a plan in a format that is accessible to the employee.

## 7. Requests denied

We may deny an employee's request for an individualized accommodation plan in the following circumstances:

- The employee is able to carry out most of the job without an accommodation
- The independent regulated health professional(s) does not support the employee's self-assessed requirement of a workplace accommodation
- Our research shows that the accommodation request would cause undue hardship (e.g., by creating safety risks to other employees or an unsustainable financial burden)

## 8. Protection of employee information

We will protect the employee's personal information and personal health information at all times by taking the following steps:

- locking documents in a cabinet and limiting access to human resources, Finance department who needs access and managers only.

## F. Reasonable Accommodation examples:

### ○ **Written Communication**

If you have an employee who is hard of hearing, it becomes difficult to give verbal feedback or direction. In this case, a reasonable accommodation would be to provide all communication in written form to make sure the employee fully understands the expectations.

### ○ **Visual Impairment**

A staff member who struggles with vision problems might have a hard time viewing things on a computer screen or text printed in small type. As a manager, you can provide an accommodation to this person by offering a larger screen with magnification capabilities or printing all written items in larger fonts to make them easier to read.

### ○ **Schedule Changes**

Some health conditions are particularly bad at certain times of the day. For example, an employee who suffers from arthritis might have worse pain upon waking up in the morning. A reasonable accommodation for this type of disability might be providing a schedule change to allow the employee to come in later. A staff member who is undergoing treatment for an ongoing chronic condition might need to work around doctor's appointments or periodic time off, which will require some accommodation.

- **Reassignment if possible**

If you have made a number of attempts to accommodate an employee but the job isn't getting done, the final option is reassignment if possible. If the staff member in question is no longer able to perform the essential functions and duties of the job, the supervisor can then transfer him or her to a vacant position within the organization if applicable with the approval. That employee must meet all requirements and qualifications for the new job. Employers do not have to create a new position for the employee or displace another staff member.

**G. Important links for reference:**

Accessibility for Manitobans Act Website Link: [The Accessibility for Manitobans Act | Province of Manitoba \(accessibilitymb.ca\)](https://www.accessibilitymb.ca)

**Resources to promote compliance**

- [Introduction to Manitoba's Accessibility Standard for Employment \(PDF\) \(Word\)](#)
- [Employers' Handbook \(PDF\) \(Word\)](#)
- [Sample Accessible Employment Policy \(PDF\)](#)
- [Guide to Create an Individualized Accommodation Plan Process and Policy \(PDF\)](#)
- [Workplace Emergency Response Information: Toolkit \(PDF\) \(Word\)](#)

**Resources to create awareness**

- [Accessibility Works Infographic](#)
- [Discussing Accessibility in the Workplace poster \(PDF\) \(Word\)](#)
- [FAQ's about the Employment Standard \(PDF\) \(Word\)](#)