

Accessible Employment Online Learning Module – Text-Only Version

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Key Features and Module Overview

Key Features

Welcome to the Accessible Employment learning module. Before you continue, please review the following information about the key module features.

Navigation

This module is organized into six sections and includes a glossary of terms. You can navigate through this module by using the Previous and Next links at the bottom of each page, or the main menu on the left side of the page.

The main menu is organized into module sections. When you select a section title, the menu will expand to show all content in that section. Selecting a different title will open new content. You can use the main menu to move freely between module sections.

To help track your progress, a checkmark will appear in the menu beside each page that you have visited.

If you have any technical or access issues, please visit the contact page (<http://accessibilityymb.ca/contact.html>) on our website.

Knowledge Checks

Sections two, four and six of this module end with a Knowledge Check to help you check your understanding of the material.

When you complete all three Knowledge Checks, you will receive a Certificate of Completion. Download and save the certificate for your current or future employer, to help signify compliance with this legal requirement.

Glossary

This module includes a glossary of terms. To open the glossary, go to the upper right corner of this page and select the Glossary link. The glossary will open on the right side of the page. You can scroll or tab through the terms.

In the text-only version of the module, the glossary appears at the end of the document.

Audio

Each page offers you the option to listen to the contents of the page. To play the audio, navigate to the upper right corner of the page and click the Listen button. You can use the forward and backward buttons to control the audio for the page. Remember to turn your speakers on first.

Video

This module includes a series of videos called “Manitoba Voices”. The brief videos “give voice” to topics to demonstrate the importance of accessibility. These videos are captioned.

Transcripts are also provided for each video.

Learning Resources

The Manitoba Accessibility Office offers a variety of resources that can assist with compliance of The Accessibility for Manitobans Act and accessibility awareness. To view these resources, visit AccessibilityMB.ca (<http://www.accessibilitymb.ca/>), or contact the Manitoba Accessibility Office.

Module Overview

Introduction

This free learning resource provides Manitoba organizations with an opportunity to meet the minimum training requirements of the Accessibility Standard for Employment.

An employer must ensure they train staff with the following responsibilities:

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

The module information should be complemented by a review or discussion of your organization's policies, practices and measures related to accessible employment.

The module is designed for individual use. However, group discussion is a great way to determine how accessibility laws affect your organization. Please view the Facilitator's Guide (PDF) (https://amalearningmb.ca/accessible-employment/resources/E_FacilitatorsGuide_EN.pdf) for assistance.

Learning Overview

This learning module was designed to meet the training needs of specific employees within an organization who need to receive training on accessible employment, such as managers and Human Resource practitioners. The purpose of the Facilitator's Guide is to help businesses and organizations consider how the new requirements affect their human resource policies and practices through a group discussion. This module has been organized into six sections, including the one you are currently in.

Section 1: Key Features and Module Overview

Section 2: Manitoba's Accessibility Law Affecting Employment

Section 3: Creating an Accessible Hiring Process

Section 4: Maintaining an Accessible Workplace, Part 1

Section 5: Maintaining an Accessible Workplace, Part 2

Section 6: Continuing Your Learning

By actively participating in this module, you will:

- Learn how Manitoba's accessibility law affects employment.
- Become familiar with requirements to guide your organization's accessible employment practices.
- Learn how to remove barriers to employment with tips to create accessibility.

Certificate of Completion

To obtain a certificate of completion for this module, you must complete all six sections and three Knowledge Checks. Please download and save the certificate of completion, in case your organization is asked to demonstrate compliance with this legal requirement.

Manitoba's Accessibility Law Affecting Employment: Introduction

Section two focuses on The Accessibility for Manitobans Act and how it affects employment.

The Eight Topics in This Section

1. The Need for Legislation
2. The Accessibility for Manitobans Act
3. The Accessibility Standard for Employment
4. Accessibility Benefits Manitoba's Workforce
5. The Duty to Accommodate
6. Manitoba Voices: The Importance of Workplace Accommodations
7. Workplace Accommodations – A Shared Responsibility
8. Who Must Comply and When?

There is a Knowledge Check at the end of this section.

The Need for Legislation

Nearly one in four Manitobans face barriers to accessibility in daily living.

All Manitobans, regardless of their abilities, have the right to participate fully in society, and to be treated with dignity and respect.

By introducing a law, government organizations (like schools and universities), businesses, and non-profit organizations must all collaborate to make Manitoba accessible.

The Accessibility for Manitobans Act

Goals

The Accessibility for Manitobans Act, or AMA, was enacted in 2013. The AMA has two main goals.

1. Goal 1: Identify, prevent and remove barriers to participation.
2. Goal 2: Make significant progress towards achieving accessibility in Manitoba by 2023.

Manitoba's efforts will focus on collaboration, education and the training of organizations to fulfill the requirements set out in the law. Like other laws, the AMA also sets out enforcement measures, including orders to comply and monetary penalties for non-compliant organizations.

The Five Accessibility Standards

Accessibility Standards, or, regulations, are the building blocks of The Accessibility for Manitobans Act. Standards outline who has to do what and by when, to enhance accessibility.

The Manitoba Government appointed an Accessibility Advisory Council to assist in developing five standards under the AMA, affecting accessibility in customer service, employment, information and communications, the design of public spaces and transportation.

The Accessibility Standard for Employment

Enacted on May 1, 2019, the Accessibility Standard for Employment (<http://accessibilitymb.ca/employment-standards.html>) is the second standard to come into force under The Accessibility for Manitobans Act. The first is the Accessibility Standard for Customer Service (<http://accessibilitymb.ca/css-business-and-non-profit.html>).

The Accessibility Standard for Employment requires that all employers remove and prevent barriers at various stages of employment.

When it comes to the workplace, it is often the little things that can create barriers for employees and colleagues with disabilities. For instance, barriers can be in a process, such as signing in for work, or be a physical barrier, like boxes crowding a corridor. Discriminatory or negative attitudes are often the greatest barrier of all.

How is this Standard Different than Manitoba's Existing Employment Standards?

Most employers are already familiar with Manitoba's Employment Standards, which set out the minimum fairness standards for the workplace. The Accessibility Standard for Employment is different in that it focuses specifically on accessibility in the employment cycle.

Accessibility Benefits Manitoba's Workforce

People with disabilities are a significant part of Manitoba's workforce. A person's disability can be permanent or temporary, visible or invisible. Manitoba has an aging workforce and the likelihood of disability increases with age.

Canadians with disabilities want jobs.

80% Canadians without disabilities are employed versus 59% Canadians with disabilities are employed

Almost half the job-ready Canadians with disabilities have post-secondary education.

Statistics Canada, 2016.

According to Statistics Canada, Manitobans with disabilities are more likely to be unemployed or under-employed. Manitobans with disabilities want to work, and Manitoba employers want the best employees.

Benefits of Accessibility in the Workplace

Workplaces across Manitoba are becoming more accessible for employees with disabilities.

Accessibility helps organizations hire, support and keep employees.

Accessibility levels the playing field, improves productivity, and makes workplaces healthier and safer for everyone.

One in four Manitoba adults has a disability.

More Manitobans are aging into disability while still on the job. Over 120,000 seniors with disabilities, age 65-69, reported they are still working.

Canadian Survey on Disability, 2017.

The Duty to Accommodate

The Accessibility Standard for Employment calls on all employers to have measures and practices to provide reasonable accommodations for employees and applicants. Employers must consider reasonable accommodation at various stages of employment as it applies to their organizations, whether in hiring employees, on the job, during opportunities for training and advancement, or in a return-to-work situation.

The Accessibility Standard for Employment (<http://accessibilitymb.ca/employment-standards.html>) builds on Manitoba's Human Rights Code, which requires employers to provide reasonable accommodation. Failure to reasonably accommodate an individual can result in "discrimination," as defined in The Manitoba Human Rights Code.

Reasonable Accommodation

Reasonable accommodation means adjusting a rule, policy, practice or a physical space to allow changes to the ways things are usually done.

An accommodation is reasonable if it is required for a job applicant to access the materials or activities used in the assessment or selection process; or is required for an employee to perform their employment responsibilities or access the benefits available to them.

Accommodations should not result in undue hardship to employers.

Example

An employee tells their employer that since having knee replacement surgery, they have difficulty standing for long periods. The employer provides a reasonable accommodation by offering the employee the option of sitting while performing their duties.

Most workplace accommodations cost little or nothing.

Employers report the average one-time cost of accommodating an employee with a disability is \$500.

Workplace accommodations: Low cost, high impact. Job Accommodation Network (Updated 9/30/2018).

Accommodating specific accessibility needs due to a disability may not take as much effort as one may think. Many people with disabilities require no accommodations at all. In most cases, providing reasonable accommodations is simple and affordable.

For a small cost, the rewards are great for your organization, for new and existing employees, and for your business' bottom line.

Undue Hardship

The duty to accommodate should not create undue hardship.

Undue hardship arises from substantial costs or health and safety risks to an accommodation. Inconvenience, preferences, or having to bear some costs do not usually qualify as undue hardship. Although undue hardship is not defined in The Accessibility for Manitobans Act or The

Manitoba Human Rights Code, case law tells us that it is more than minimal hardship and it must be based on actual evidence of hardship.

Manitoba Voices: The Importance of Workplace Accommodations

The following video shares the perspectives of employers Cory Beal, Melissa Yankoski and Christa Bruneau Guenther, and of employees Minh Huyhn, Colin Mathieson and Dianna Rasing.

Video Transcript, Manitoba Voices: The Importance of Workplace Accommodations

Narrator: Accessibility in the Workplace: Good for Everyone, Law in Manitoba

Cory Beal: We are always looking for ways to make things safer, simpler, and faster.

And when something makes things safer, simpler, and faster for everybody, that's not really an accommodation for one person, that's an improvement for the whole company.

Melissa Yankoski: It's important to have a diverse workforce so that we are representative of our community and that we're ensuring that everyone feels welcomed and included.

Dianna Rasing: I don't see it as a disability or ability. Everyone comes with different skills at the table.

Minh Huynh: The accommodation can also almost be a very small factor when it actually comes to actually needing it.

Because support comes with trust, trust comes with support.

Colin Mathieson: For an employer, I think it's a great opportunity to sort of sharpen the pencils and look through a different lens that they might not have had to look through before.

Workplace Accommodations – A Shared Responsibility

Workplace accommodations are a shared responsibility.

When employers and employees collaborate to overcome barriers, they are most likely to find the right workplace accommodations.

Employees should notify their employer if they need a workplace accommodation. They should also be prepared to discuss options for accommodations.

Treating employees with dignity and respect means maintaining privacy about personal employee information and the reasons for accessibility accommodations.

Who Must Comply and When?

Who Must Comply with the Accessible Employment Standard?

The Accessibility Standard for Employment targets all Manitoba businesses and organizations with paid employees, including those who are full time, part time, apprentices or seasonal, and participate in human resource management.

It does not apply to volunteers and other non-paid individuals.

The Accessibility Standard for Employment helps *all* Manitoba organizations hire, support and keep employees.

Compliance Deadlines

Under the standard, different types of organizations are given different timelines to meet their legal requirements. The following table summarizes the requirements and timelines.

Compliance Deadlines				
Requirements	Manitoba Government	Public Sector/ Large Municipalities	Small Municipalities	Business and Non-profit Organizations
Workplace Emergency Response Information	May 1, 2020	May 1, 2020	May 1, 2020	May 1, 2020
All Other Requirements	May 1, 2020	May 1, 2021	May 1, 2022	May 1, 2022

Organizations with 50 or more employees in Manitoba, as well as large public sector organizations must document their accessibility and training policies and let the public know that they are available on request. Businesses, non-profit organizations and municipalities with fewer than 50 employees are exempt from this requirement.

The Accessibility Standard for Employment Helps

The Accessibility Standard for Employment will help people with disabilities participate in Manitoba's labour force and economy, and will help employers find untapped talent.

Section 2 Knowledge Check

Instructions

Now it is your chance to check what you have learned in this section. There are three questions in this Knowledge Check. Select your response to each question and then select Check My Answer for feedback.

Question 1

Which of the following statements are true about the Accessibility Standard for Employment?
Select all that apply.

The Accessibility Standard for Employment:

Option 1 of 5: a) helps organizations hire, support and keep employees

Option 2 of 5: b) is the second standard under The Accessibility for Manitobans Act, which came into force May 2019

Option 3 of 5: c) complements and builds on existing requirements of Manitoba's Human Rights Code

Option 4 of 5: d) affects Manitoba employers with full-time, part-time, seasonal employees and apprentices

Option 5 of 5: e) is also a standard under The Employment Standards Code of Manitoba

Check My Answer

Feedback

All but (e) are correct answers. The Accessibility Standard for Employment is the second standard to come into force under The Accessibility for Manitobans Act, following the Accessibility Standard for Customer Service. The Accessibility Standard for Employment is not

part of the Employment Standards, which set out the minimum fairness standards for the workplace.

Question 2

The Accessibility Standard for Employment requires that Manitoba employers:

Option 1 of 4: a) remove and prevent barriers at various stages of employment.

Option 2 of 4: b) hire persons with disabilities.

Option 3 of 4: c) meet the workplace demands of employees with disabilities.

Option 4 of 4: d) reduce the hours of work of employees with disabilities.

Check My Answer

Feedback

Only (a) is correct. The Accessibility Standard for Employment requires that Manitoba employers remove and prevent barriers at various stages of employment. When it comes to the workplace, often it is the little things, such as clutter, background noise, or poor lighting, which can create barriers for people with disabilities. Attitudes are often the greatest barrier of all.

Question 3

Providing reasonable accommodations in the workplace means:

Option 1 of 4: a) adjusting a rule or policy

Option 2 of 4: b) modifying normal practices

Option 3 of 4: c) adjusting a physical space

Option 4 of 4: d) all of the above

Check My Answer

Feedback

(D), all of the above. Reasonable accommodation means adjusting a rule, policy, practice or a physical space to allow changes to the ways things are usually done. For example, an employer changes its practice of providing parking spots for upper management to offer an employee with limited mobility a parking spot close to the building entrance.

Creating an Accessible Hiring Process: Introduction

This section focuses on the requirements, recruitment and selection process.

The Five Topics in This Section

1. Overview of the Requirements
2. Accessible Recruitment
3. Accessible Selection
4. An Accessible Offer of Employment
5. Manitoba Voices: Employers Share their Experience

Overview of the Requirements

The Accessibility Standard for Employment requires that employers remove barriers during three stages of their hiring process:

1. Recruitment – when advertising a job position
2. Selection – when inviting applicants to participate in the selection process
3. Offer of employment – when offering employment to a successful candidate

By making these processes more accessible, you open doors to a much larger pool of candidates.

Accessible Recruitment

What can you do to meet the accessible recruitment requirement?

When advertising a job position, be sure to inform applicants that the organization will respond to requests for reasonable accommodation during the assessment and selection process. This

will notify your existing employees and the public that the organization will support their participation in all aspects of the recruitment process.

Sample Job Ad Wording

[Name of Organization] welcomes applications from people with disabilities. Applicants may request reasonable accommodation related to the materials or activities used throughout the selection process.

Or: Disability accommodations are available upon request.

Tips

- ✓ Do not create requirements that are not necessary to perform the job. For example, do not require applicants to have an active driver's license, when they could use an alternate form of transportation to carry out their job. Consider what is actually needed to do the job.
- ✓ Educate and train managers/recruiters on inclusive interviewing processes.
- ✓ Share the job advertisement with employment agencies that serve people with disabilities. Agencies can provide guidance and assist you and the new employee during the recruitment process.

Accessible Selection

What can you do to meet the accessible selection requirement?

When inviting applicants to participate in the selection process, tell candidates that reasonable accommodations for the assessment process are available upon request, whether for an interview, written test, or on-the-job skills demonstration.

When applicants make a request, consult with them about what types of accommodations would work best.

Tips

- ✓ Use standardized interview scripts, questions and scoring to avoid bias among candidates in the interview process.
- ✓ Never assume what a candidate can or cannot do. For example, if a position requires a valid driver's license, do not assume that a candidate who uses a wheelchair is unable to drive.

An Accessible Offer of Employment

What can you do to meet the offering employment requirement?

When making an offer of employment to a successful candidate, you must inform the individual about the organization's policies and practices regarding reasonable workplace accommodations. This could be verbally, by email, or in an offer letter.

Sample Wording

[Name of Organization] provides **reasonable** workplace accommodations for employees with disabilities or medical needs. If you require an accommodation because of a disability or a

medical need, please contact [Company Representative, Title] at [Telephone number] or by e-mail at [Email].

Tip

- ✓ Many employees who could benefit from an accommodation may fear that disclosing a disability will negatively impact their career, so offer reassurance to new employees that you wish to support their success.

Manitoba Voices: Employers Share their Experience

Video Transcript, Manitoba Voices: Cory Beal, Production Manager, Floodway Print Co. Ltd

Cory Beal: Having a hard-of-hearing employee really made me think about the accommodations for him right, and instantly we saw the benefits for other people.

And the example I love to use is, you can't get someone's attention, when they're hard of hearing, from behind. You have to be in their line of sight.

When we moved into our huge new space, when we were orienting the work-stations, we oriented most of them, as many as we could, oriented them out, or added like mirrors or at least something to be able to see behind you.

And the unexpected benefit to that is for everybody.

Like, I don't like being hollered at from behind when I'm like concentrating on something, I don't like being snuck up on.

That was a big eye-opener, that even these small accommodations like turning work stations around, were hugely beneficial to everyone.

It makes me want to hire more unique perspectives because we're not going to grow, and we're not going to change, and we're not going to get these new ideas if we all have the same perspectives.

Video Transcript, Manitoba Voices: Christa Bruneau Guenther, Owner, Feast Café Bistro

Business is all about, you want to be successful, you want it to financially succeed; business is risky.

These employees can do just as good as every other employee, sometimes even better.

I just have nothing negative to say about hiring somebody with a disability.

Maintaining an Accessible Workplace, Part 1: Introduction

This section focuses on employment practices, communication, creating individualized accommodation plans, performance management and return to work policies.

The Seven Topics in This Section

1. Overview of the Requirements
2. Inform Employees About Accessible Employment Practices
3. Meet Employees' Communication Needs
4. Create Individualized Accommodation Plans
5. Performance Management, Career Development, and Redeployment
6. Return to Work
7. Manitoba Voices: Employees Share their Experience

There is a Knowledge Check at the end of this section.

Overview of the Requirements

The Accessibility Standard for Employment requires that employers make their workplaces accessible by taking action in the following seven areas:

1. Inform employees about accessible employment practices
2. Meet employees' communication needs
3. Create individualized accommodation plans, on request of an employee
4. Take accessibility into account during performance management, career development, and redeployment processes
5. Establish a return-to-work process
6. Ensure the safety of employees with disabilities
7. Practice thorough recordkeeping, maintain confidentiality, and complete training on accessible employment

Inform Employees About Accessible Employment Practices

The Accessibility Standard for Employment requires that employers inform all employees, both new and existing, about their accessible employment policies and practices related to workplace accommodations, as well as any changes or updates to these.

This will ensure that all employees are aware of how the organization will support them if they have a disability, or may acquire a disability later in their career.

What can you do to meet this requirement?

Document and share your organization's policies and practices related to workplace accommodation with employees. Let staff know how to access them, and provide updates on any changes.

Sample Wording

[Name of Organization] provides reasonable accommodations for employees with temporary or permanent disabilities. Disabilities can be visible or invisible. If you require an accommodation because of a disability, please contact [Company Representative, Title] at [Telephone number] or by e-mail at [Email].

Tips

- ✓ Include information about workplace accommodations in orientation materials.
- ✓ Print and post the "Discussing Accessibility in the Workplace" information sheet in staff areas:
 - Discussing Accessibility in the Workplace (PDF)
http://accessibilitymb.ca/pdf/discussing_accessibility_in_the_workplace.pdf
 - Discussing Accessibility in the Workplace (Word Doc)
https://amalearningmb.ca/accessible-employment/resources/discussing_accessibility_in_the_workplace.docx

Most disabilities look like this.

The most common disabilities among working-aged Canadians ages 25 to 64 are invisible, related to pain (14%), flexibility (8%), mental health (8%) and mobility (7%).

Canadian Survey on Disability, 2017.

Meet Employees' Communication Needs

The Accessibility Standard for Employment requires that employers communicate with employees in a way that meets their communication needs.

What can you do to meet this requirement?

Respond to requests from employees who need information in accessible formats or who require communication supports.

Accessible format means providing static information in a way that works for a person disabled by a barrier, and includes large print, recorded audio, electronic formats and braille.

Communication support means two-way communication that works for a person disabled by a barrier and includes, for example, texting, handwriting and augmentative and alternative communication supports.

Accessible formats and communication supports can be requested for:

- Information required for the employee to perform their job, and
- Information generally available to all employees

Employers should consult with employees to determine their accessibility needs and how best to accommodate them.

Create Individualized Accommodation Plans

The Accessibility Standard for Employment requires that employers develop and implement individual accommodation plans for employees that request them. An employer, who recognizes an employee's accommodation needs, may also propose developing a plan.

An individual accommodation plan is a formal way of recording and reviewing the workplace-related accommodations that will be provided to an employee with a disability.

The individualized accommodation plan must document actions used to provide the employee with details about:

- accessible formats or communication supports
- workplace emergency accommodations
- any other reasonable accommodations to remove workplace barriers
- when workplace accommodations will be provided, reviewed and, if necessary, updated

What can you do to meet this requirement?

Work with an employee with a disability to identify accommodations that best meet individual needs.

Employers and employees must both participate in the creation and implementation of an individualized accommodation plan. Working together and in good faith, you are likely to come up with a plan that works.

Select the headings to learn more about the specific requirements for employers and employees.

Requirements of the Employer

- Employers must respond to requests from employees with disabilities to create an individualized accommodation plan. Management may also ask employees if they require a workplace accommodation and propose a plan.
- To help determine the accommodation(s) required, employers may request an evaluation of an employee by an independent regulated health professional, or other worker in the area of workplace accommodations. Employers are required to pay for these evaluations.
- Employers are not obliged to select the specific accommodation that the employee requests. Accommodations should remove barriers and be reasonable. When in doubt on what constitutes a reasonable accommodation, it is best to consult with an independent professional, per above.
- If the employer denies an employee's request for an individual accommodation plan, the employer must provide the employee written reasons for why the request was denied.
- The employer must set a timeframe for the review of the accommodation plan, and update the plan if requested by the employee, or whenever there is a change related to the job, workspace or other related factors.

Requirements of the Employee

- The employee typically initiates the request for a workplace accommodation.
- The employee must cooperate in the assessment of the accommodation by providing information and related evaluations, for instance by a doctor.
- The employee must comply with the accommodation plan and provide updates about necessary modifications, or when an accommodation is no longer required.
- The employee may be represented by a bargaining agent or a person who is knowledgeable in the area of workplace accommodations during the development of the individualized accommodation plan.

Tips

- ✓ Many employees find it difficult to ask for an accommodation, and the reason for the accommodation may be sensitive to the employee.

Things you can do as a supervisor:

- Create a safe space to speak and listen to the employee, without judgment.
 - Try to understand what the concern is and how you can help.
 - Stay focused on what someone needs to do their job the best.
- ✓ Include information about workplace accommodations in orientation materials.
 - ✓ Print and post in the staff area the one-page information sheet called “Discussing Accessibility in the Workplace”:
 - Discussing Accessibility in the Workplace (PDF)
http://accessibilitymb.ca/pdf/discussing_accessibility_in_the_workplace.pdf
 - Discussing Accessibility in the Workplace (Word Doc)
https://amalearningmb.ca/accessible-employment/resources/discussing_accessibility_in_the_workplace.docx
 - ✓ Use the “Guide to Create Individualized Accommodation Plan Process and Policy (PDF)”
http://accessibilitymb.ca/pdf/iap_guide_bnpos.pdf

Performance Management, Career Development, and Redeployment

The Accessibility Standard for Employment requires employers to consider how barriers may affect the following three areas of human resource management:

- **Performance management:** Performance management refers to activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success and planning the way forward.

- **Career development:** Career development is usually based on merit or seniority, or a combination of both. It can involve increasing the responsibilities within an employee's current position, or in a position at a higher level in an organization. Training is an important part of career development.
- **Redeployment:** When a particular job or department has been eliminated, an organization may reassign employees to other departments or jobs as an alternative to layoffs.

These requirements only apply if the organization currently has these processes in place. Organizations are not required to establish these processes if they do not already exist.

What can you do to meet each of these requirements?

Select the headings below to see some examples of how these requirements could be applied in an organization.

Performance Management

- Provide accessible formats and meet the communication support needs of the employee in related discussions and documentation.
- In determining the impact of a temporary or permanent disability on an employee's performance, consider that there may be more than one workplace barrier which could affect their performance.
- Review an employee's individualized accommodation plan, to determine if adjustments can be made to the plan to improve job performance. For instance, changes to disability or medical needs can occur at any time, and may require modifications to the plan.

Tips

- ✓ Consider a formal process for performance management with a pre-scheduled discussion.
- ✓ Provide written feedback that documents expectations and guides the next steps.

- ✓ Ensure supervisor attitudes reflect the organization's commitment to disability inclusion, so preconceptions do not affect the evaluation of an employee's performance.

Career Development

- Provide accessible formats and meet the communication support needs of the employee in related discussions and documentation.
- When recruiting or selecting employees for training and promotion, consider first how the barrier(s) affecting an employee with a disability can be addressed.
- Adjust accommodation supports, or update an individualized accommodation plan with the employee's participation, to address any barriers that may affect the employee's opportunities, new role or responsibilities.

Tip

- ✓ When developing or contracting out training programs, consider the accommodation needs of your employees in advance. For example, tell trainers whether employees require accommodations for the training. Sending training material in advance may help.

Redeployment

- Provide accessible formats and meet the communication support needs of the employee in related documents, discussions, and training.
- When identifying employees to redeploy, consider first how the barrier(s) affecting an employee with a disability can be addressed.
- Support the employee's new role or responsibilities by adjusting an accommodation, or updating an individualized accommodation plan, with the employee's participation.

Tip

- ✓ Confirm with the employee that you will be transferring their current accommodation plan and supports, if they are reassigned to another area. Check if the plan includes medical information. If it does, obtain consent from the employee to share this information.

Return to Work

The Accessibility Standard for Employment requires that employers follow a return-to-work process for employees who have been off work due to a disability or health conditions, and that employers provide reasonable workplace accommodations upon their return.

A return-to-work policy 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.

What can you do to meet this requirement?

- Introduce a return-to-work policy that ensures reasonable accommodations for employees with disabilities and health conditions by modifying duties and work schedules based on their abilities.
- In your policy, include a description of the process that your organization follows to determine the accommodations necessary for a safe and healthy return to work. For example, who will communicate with the employee, and when will the communication occur?
- Let The Workers Compensation Act (<https://www.wcb.mb.ca/sites/default/files/2016%20backgrounder.pdf#:~:text=In%20Canada%2C%20workers%20compensation%20is%20a%20system%20of,Compensation%20Act%2C%20R.S.M.%201987%2C%20c.%20W200%20%28the%20WCA%29>) guide your return to work

policy and practices. Visit Workers Compensation Board, Manitoba (<https://www.wcb.mb.ca>) for more information.

Tips

- ✓ Show that you value your employees by maintaining contact throughout a leave of absence.
- ✓ To ensure the long-term health and safety of your employees, modify duties in a way that best reflects the employees' abilities.
- ✓ Create a return-to-work plan tailored to meet the employees' needs *and* provide meaningful and productive work.
- ✓ Ensure supervisors and co-workers support employees who have been absent due to a disability or health condition.
- ✓ Remember, an illness or injury can happen to any of us. All employees will appreciate that your organization has a return-to-work policy.

Manitoba Voices: Employees Share their Experience

Video Transcript, Manitoba Voices: Dianna Rasing

Dianna Rasing, Administrative Assistant

I used to be a sign language interpreter at Red River College, and then I got sick, I had a stroke.

And so over the course of my rehabilitation, they found a new position for me, and within that finding of a new position, I had to have the conversation of what I can and cannot do.

They asked me how they can accommodate me and my needs.

They were very supportive in finding me a totally different position that I could do.

Once they found that position, the supervisor was accommodating to certain things that we could tweak.

Like so for instance, the past admin assistant would take notes verbatim, and I said, “Well I won't be able to do that.”

And so, we had that conversation and that's been working out fine.

Video Transcript, Manitoba Voices: Colin Mathieson

Colin Mathieson, Employment Counsellor

I'm very fortunate that being in a wheelchair I roll into a room and it's pretty obvious that I am in a wheelchair, so I have that as a benefit.

My message to an employer would be that, you know, individuals typically have a really good sense of what they need, and if you're receptive, you'll be able to have those conversations with them and everybody's going to benefit.

Section 4 Knowledge Check

Instructions

Now it is your chance to check what you have learned in this section. There are four questions in this Knowledge Check. Select your response to each question and then select Check My Answer for feedback.

Question 1

Which employees should be informed of your organization's accessible employment policies and practices?

Option 1 of 3: a) new employees

Option 2 of 3: b) existing employees

Option 3 of 3: c) both new and existing employees

Check My Answer

Feedback

(c) is correct. The Accessibility Standard for Employment requires that employers inform all employees, both new and existing, about their accessible employment policies and practices related to workplace accommodation, as well as any changes or updates to these. This ensures that all employees are aware of how the organization will support them if they have a disability, or if they acquire a disability later in their career.

Question 2

Accessible format means:

Option 1 of 4: a) communicating information in a way that works for a person disabled by a barrier

Option 2 of 4: b) only providing documents in electronic format

Option 3 of 4: c) finding the most cost-effective way to communicate

Option 4 of 4: d) none of the above

Check My Answer

Feedback

(a) is correct. Accessible format means communicating information in a way that works for a person disabled by a barrier, and includes large print, recorded audio, electronic formats and braille.

Question 3

An individualized accommodation plan must document actions to provide an employee:

Option 1 of 5: a) accessible formats or communication supports

Option 2 of 5: b) workplace emergency accommodations

Option 3 of 5: c) any other reasonable accommodations to remove workplace barriers

Option 4 of 5: d) further details about when workplace accommodations will be provided and reviewed

Option 5 of 5: e) all of the above

Check My Answer

Feedback

(e), all of the above, is correct. An individual accommodation plan is a formal way of recording and reviewing the workplace-related accommodations that will be provided to an employee with a disability. Employers and employees must both participate and act in good faith in the creation and implementation of an individualized accommodation plan.

Question 4

There are situations when it is especially important to reconsider current workplace accommodations to determine whether additional barriers may affect an employee. These include:

Option 1 of 4: a) performance management

Option 2 of 4: b) training and advancement opportunities

Option 3 of 4: c) redeployment to another job or set of responsibilities

Option 4 of 4: d) all of the above.

Check My Answer

Feedback

(d) All of the above for affected organizations. It may be that an employee's disability has changed over time, as have the workplace barriers. Changes to the employee's accommodations may result in a better outcome for the employee.

Maintaining an Accessible Workplace, Part 2: Introduction

This section focuses on additional practices that organizations can take to maintain accessibility for their employees.

The Five Topics in This Section

1. Keeping Employees Safe during Emergencies
2. Confidentiality
3. Training
4. Recordkeeping
5. Manitoba Voices: Advice about Workplace Accommodations. Just Listen.

Keeping Employees Safe during Emergencies

Keep employees safe.

Consider accessibility during emergencies.

[AccessibilityMB.ca](https://www.accessibilitymb.ca)

To ensure the safety of employees with disabilities, as of **May 1, 2020**, all Manitoba employers have been required to comply with the following two requirements:

1. Workplace Emergency Response Information

- Create emergency response information to help employees with disabilities stay safe during emergencies.

2. Workplace Emergency Assistance

- Ask employees who require assistance during an emergency for permission to share information with individuals who agree to help.

What can you do to meet this requirement?

Plan ahead. Do not wait for an emergency evacuation to learn who has difficulty descending stairs, which employee has severe asthma, or who is immobilized by panic attacks.

Ensure you will meet the needs of your employees during a variety of emergencies, including for example, an evacuation, a lock down, or a pandemic.

The following steps are designed to meet the requirements of the standard, but may be modified to meet your organization's needs.

Each step is supported by documentation found in the Workplace Emergency Response Information Toolkit (PDF) (http://accessibilitymb.ca/pdf/workplace_emergency_toolkit.pdf)

This toolkit is also found at AccessibilityMB.ca (<http://accessibilitymb.ca/>) and includes a sample of each of the following documents:

- Employee memo to all employees asking if they require assistance in an emergency
- Employee Emergency Information Worksheet
- Employee Emergency Response Information Template, and
- Consent form to share emergency response information with colleagues who agree to help

Five Steps for Meeting this Requirement

Select the headings to learn about each of the five steps.

Step 1. Review your emergency procedures.

Learn more about emergency procedures that affect your workplace. For example, if you have not done so already, review your building's evacuation plan. Share information about emergency procedures with your employees.

Step 2. Ask employees if they face barriers in the event of an emergency.

Talk to your employees about your organization's efforts to create accessibility and to keep all employees safe during an emergency in the workplace.

Invite employees to notify you confidentially about their accessibility needs during an emergency. The Accessibility Standard for Employment requires that the information employees share with you, as an employer, remains confidential and shared only:

- a) with their permission, and
- b) with someone who is designated to help them in an emergency.

Step 3. Engage affected employees in emergency preparation.

Employees who face barriers are the experts on how best to remove these barriers, including barriers created by an emergency. Talk with affected employees and record relevant information to assist with planning.

Step 4. Provide individualized emergency response information.

Information collected in the "Employee Emergency Information Worksheet" may be helpful in creating an individualized emergency response for employees with disabilities. (See: Workplace Emergency Response Information Toolkit [PDF]

http://accessibilitymb.ca/pdf/workplace_emergency_toolkit.pdf). Discuss the information and available options with the employees individually. Ask employees who require assistance during an emergency for permission to share this information with individuals who agree to help.

Step 5. Review and update emergency response information.

Review and update the employee's emergency response information when:

- The employee moves to a different location in your organization.
- The employee's overall accommodation needs or plan are reviewed.
- You review your organization's emergency response policies.

Tip

Use the Workplace Emergency Response Information Toolkit (PDF) (http://accessibilitymb.ca/pdf/workplace_emergency_toolkit.pdf) to guide the accessibility of your emergency plans.

Confidentiality

The Accessibility Standard for Employment requires that employers treat information related to an accommodation, including any external evaluations, as confidential. This includes personal health information protected by The Personal Health Information Act (Manitoba) (<https://www.gov.mb.ca/health/phia/index.html>).

What can you do to meet this requirement?

- Only collect, use or disclose personal health information as required to meet the Accessibility Standard for Employment, unless the employee consents to other use or disclosure.
- Be mindful of other privacy requirements under The Freedom of Information and Protection of Privacy Act (<https://www.gov.mb.ca/fippa/>) and The Personal Health Information Act (<https://www.gov.mb.ca/health/phia/index.html>), where applicable.

Tips

- ✓ Limit access to employee information to managers or others working in human resources.
- ✓ Managers should not discuss information with other employees, unless approved by the employee for organizational purposes. e.g., to prepare for a barrier free emergency evacuation plan.
- ✓ Store related forms and information in a secure place.

Training

The Accessibility Standard for Employment requires that employers train all employees with human resource responsibilities that affect hiring, training, coordinating, managing, promoting or deploying staff, and those responsible for developing employment policies and practices.

What can you do to meet this requirement?

- Train employees with responsibilities for human resources using group discussion, this learning module, free tools available on AccessibilityMB.ca, or other relevant resources.
- Ensure that training is provided to a person as soon as reasonably practicable after the person is assigned the duties described above.
- Ensure training content includes:
 - How to make employment opportunities accessible to people with disabilities.
 - How to interact and communicate with applicants or employees who face barriers, use assistive devices, or who are assisted by a support person or service animal.
 - An overview of The Accessibility for Manitobans Act, Manitoba's Human Rights Code, and the Accessibility Standard for Employment.
 - Information about your organization's accessible employment policies, practices and measures, including updates or changes to these.

Tips

- ✓ Have employees print or electronically save the certificate of this learning module to help you track completion.
- ✓ With their consent, include the experiences of employees with disabilities in your training program.

- ✓ Visit MB.211.ca (<http://www.mb.211.ca/>) and select “People with Disabilities” for a list of Manitoba non-profit organizations that offer general accessibility training and consultation.

Recordkeeping

The standard requires that employers of all large public sector organizations and Manitoba organizations with 50 or more employees document all accessible employment policies and practices, including a policy on individual accommodation plans. These organizations must also document in writing the content and timeframe for training relevant employees.

The documents must be publicly available and in accessible formats, by request.

While organizations with 49 or fewer employees do not have to document accessible employment policies, it is a best practice to do so, as it promotes a clear and consistent approach for accommodating employees with disabilities.

What can you do to meet this requirement?

- Keep a written record of accessible employment policies and practices, including a summary of training content, and when training is offered.
- Have a policy on Individualized Accommodation Plans (PDF) (http://accessibilitymb.ca/pdf/IAP_guide_PSO.pdf) that meets the requirements of section 13(2) of the Accessible Employment Standard Regulation (PDF) (<http://web2.gov.mb.ca/laws/regs/current/pdf-regs.php?reg=70/2019>).
- Let the public know that accessible employment policies and practices are available on request, and in accessible formats.

Tips

- ✓ Maintaining a policy to support individualized accommodation plans helps *all* organizations ensure a clear and consistent approach for accommodating employees with disabilities.
- ✓ To create your policy, use the “Guide to Create an Individualized Accommodation Plan Process and Policy for Public Sector Organizations”, including Sample Policy Template and Sample Individual Accommodation Plan Worksheet.
 - Guide to Create an Individualized Accommodation Plan Process and Policy for Public Sector Organizations (PDF) (http://www.accessibilitymb.ca/pdf/iap_guide_pso.pdf)
 - Guide to Create an Individualized Accommodation Plan Process and Policy for Public Sector Organizations (Word Doc) (https://amalearningmb.ca/accessible-employment/resources/iap_guide_pso.docx)
- ✓ Write your policies in plain language, so that everyone can understand them.
- ✓ Add an accessibility page to your website where the public can view accessibility policies and practices.

Manitoba Voices: Advice about Workplace Accommodations. Just Listen.

Video Transcript, Manitoba Voices: Advice about Workplace Accommodations. Just Listen.

Dianna Rasing: When you think about it, we’re all accommodated in some way.

Melissa Yankoski: Sometimes the smallest or the simplest change makes the biggest difference.

Christa Bruneau Guenther: But it all starts right at the beginning.

Cory Beal: Right at the interview.

Melissa Yankoski: Talking honestly.

Minh Huynh: Getting to understand what the person needs to work.

Christa Bruneau Guenther: Ask what they need.

Dianna Rasing: And then listen.

Colin Mathieson: Just listen.

Continuing Your Learning: Introduction

This is the final section of the module. This section provides information about how to continue learning about accessibility in your organization.

There is a final Knowledge Check at the end of this section.

We hope that you can put into practice what you have learned about Manitoba's accessibility law by meeting the requirements, and by implementing the tips to remove barriers in the workplace.

Learning about accessibility is not a one time or static exercise. As you learned in Section 2, the Accessibility Standard for Employment is one of five standards that will be implemented throughout Manitoba's public and private sectors.

The Four Topics in This Section

1. AccessibilityMB.ca
2. Resources
3. The Final Knowledge Check
4. Contact Us

Completing this Module

By completing all three Knowledge Checks, you will receive a certificate of completion. The certificate is a PDF document that you can download and print to verify your training for a current or future employer.

AccessibilityMB.ca

Visit AccessibilityMB.ca (<http://accessibilitymb.ca/>) for more resources to support compliance with the Accessibility Standard for Employment. On this site, you will find a range of practical resources, such as handbooks, policy templates and checklists.

Learn more about the law, consultations, training and events at AccessibilityMB.ca (<http://accessibilitymb.ca/>) or contact the Manitoba Accessibility Office.

Together, we can create an accessible province for all.

Resources

As you completed this module, a variety of documents and tools were spread throughout the pages. Below you will find a summarized list of these files and links.

- Discussing Accessibility in the Workplace (PDF)
http://accessibilitymb.ca/pdf/discussing_accessibility_in_the_workplace.pdf
- Discussing Accessibility in the Workplace (Word Doc)
https://amalearningmb.ca/accessible-employment/resources/discussing_accessibility_in_the_workplace.docx
- Workplace Emergency Response Information Toolkit (PDF)
http://accessibilitymb.ca/pdf/workplace_emergency_toolkit.pdf
- Guide to Create Individualized Accommodation Plan Process and Policy (PDF)
http://accessibilitymb.ca/pdf/iap_guide_bnpos.pdf

Final Knowledge Check

This Final Knowledge Check includes six questions. You must complete this Knowledge Check to obtain your certificate of completion for the module.

Question 1

Providing reasonable accommodations in the workplace should not create:

Option 1 of 4: a) health risks

Option 2 of 4: b) safety risks

Option 3 of 4: c) some costs

Option 4 of 4: d) effort for the employer

Check My Answer

Feedback

(A) and (b). The employer must make reasonable accommodations up to the point of undue hardship. Although undue hardship is not defined in The Accessibility for Manitobans Act or The Manitoba Human Rights Code, case law tells us that inconvenience, preferences, or having to bear some costs do not usually qualify as undue hardship and that the employer must be able to provide evidence when claiming undue hardship.

Question 2

True or False: Workplace accommodations are a shared responsibility between employers and employees.

Option 1 of 2: a) True

Option 2 of 2: b) False

Check My Answer

Feedback

a) True. When employers and employees work together, they are most likely to find the right workplace accommodations. Employees should notify their employer if they need a workplace accommodation. Sometimes, an employer may offer to discuss options for accommodations or seek, and pay for, the advice of an independent regulated health professional or practitioner in the area of workplace accommodations. Many accommodations are low or no cost, but can still make a world of difference.

Question 3

The Accessibility Standard for Employment calls on all employers to offer reasonable accommodations:

Option 1 of 4: a) during recruitment, when advertising a job

Option 2 of 4: b) during the selection process, when candidates are interviewed, tested, or required to demonstrate their skills on the job

Option 3 of 4: c) when the successful candidate is offered the job

Option 4 of 4: d) all of the above

Check My Answer

Feedback

(d) All of the above. Employers must remove barriers that keep some people from being hired, even when they are the best candidate for the job.

Question 4

True or False: A return to work policy is a proactive way to help employees with disabilities and health conditions stay at work, or return to work as soon as it is safe to do so.

Option 1 of 2: a) True

Option 2 of 2: b) False

Check My Answer

Feedback

a) True. The return-to-work policy should provide a description of the process that will be followed to determine the accommodations necessary for a safe and healthy return to work. This typically involves modifying and graduating employee duties and hours at work, according to their abilities. The process should also identify who, within the workplace, will be communicating with the employee.

Question 5

To ensure the safety of employees with disabilities, as of May 1, 2020, all Manitoba employers have been required to comply with the following requirement(s):

Option 1 of 4: a) Create Emergency Response Information to help employees with disabilities stay safe during workplace emergencies.

Option 2 of 4: b) Ask employees who require assistance during an emergency for their permission to share information with individuals who agree to help.

Option 3 of 4: c) Approach only employees who you think will require assistance during an emergency, such as employees who have trouble walking.

Option 4 of 4: d) Install alarms that are both auditory and visual.

Check My Answer

Feedback

(A) and (b). Do not wait for an emergency to learn who requires assistance, and remember most disabilities are invisible.

Question 6

To meet the Accessibility Standard for Employment requirements, what should you do with personal information collected from employees?

Option 1 of 4: a) Limit access to employee information to managers or others working in human resources.

Option 2 of 4: b) Prohibit sharing information with other employees, unless approved by the employee.

Option 3 of 4: c) Store related forms and information in a secure place.

Option 4 of 4: d) All of the above

Check My Answer

Feedback

d) All of the above. Only collect, use or disclose personal information as required to meet the Accessibility Standard for Employment, e.g., in providing reasonable accommodation. Request and obtain the consent of affected employees to use or disclose their information for other purposes, e.g., for training purposes.

Congratulations!

Congratulations on completing this module. We hope this module has inspired you to become an accessibility champion in your organization.

Contact Us

If you found this information helpful, or if you have questions or concerns, please let us know.

We also welcome feedback on how to improve our training and resources.

We are here to help.

Manitoba Accessibility Office (MAO)
630 - 240 Graham Avenue
Winnipeg MB R3C 0J7

Phone: 204-945-7613 (in Winnipeg)
Toll-Free: 1-800-282-8069, Ext. 7613 (outside Winnipeg)
Fax: 204-948-2896
Email: mao@gov.mb.ca

Visit www.AccessibilityMB.ca (<http://www.accessibilitymb.ca/>) to learn more.

Subscribe to our newsletter Accessibility News

(<http://www.accessibilitymb.ca/newsletter.html>).

Join the #AccessibleMB conversation on Twitter and Facebook.

Glossary

Accessibility – Related to The Accessibility for Manitobans Act, accessibility means giving people of all abilities opportunities to participate fully in everyday life. Accessibility refers to the ability to access and benefit from a system, service, product or environment.

The Accessibility for Manitobans Act (AMA) – The AMA is provincial legislation that was introduced in 2013 to identify, remove and prevent barriers to accessibility. The AMA calls for accessibility standards that act as regulations. The law will result in improved accessibility for all Manitobans, regardless of their abilities.

Accessible (or Alternate) Format – This is a format of information that facilitates effective communication by or with a person who is disabled by a barrier. Examples of accessible or alternate formats include:

- large print
- recorded audio
- electronic formats
- braille

Applicant – An applicant is a person who applies for employment.

Barriers – Barriers are obstacles that limit access and prevent people with disabilities from fully participating in everyday life. Most barriers are not intentional. Barriers usually arise because spaces, goods or services do not take into account users' diversity of abilities. For instance, this might be related to height, strength, memory or understanding. For more information on different types of barriers, please visit accessibility barriers

(<http://www.accessibilitymb.ca/types-of-barriers.html>).

Career Development - Career development is usually based on merit or seniority, or a combination of both. It can involve increasing the responsibilities within an employee's current

position, or in a position at a higher level in an organization. Training is an important part of career development. It usually also results in higher pay.

Communication Support - Communication support means two-way communication that works for a person disabled by a barrier and includes, for example, texting, handwriting and augmentative and alternative communication supports.

Individual Accommodation Plan – An individual accommodation plan is a formal way of recording and reviewing the workplace-related accommodations that will be provided to an employee with a disability.

The individualized accommodation plan must document actions used to provide the employee with details about:

- accessible formats or communication supports
- workplace emergency accommodations (as discussed in Maintaining an Accessible Workplace, Part 2)
- any other reasonable accommodations to remove workplace barriers
- when workplace accommodations will be provided and reviewed

Large Employer – A large employer is one that employs at least 50 people. This includes seasonal employers who employ at least 50 people to do work that is expected to continue for at least 90 days.

Performance Management – Activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success and planning the way forward.

Public Sector Organizations – The public sector includes organizations connected to the government, including:

- Crown corporations
- regional health authorities

- school divisions
- post-secondary institutions
- municipalities
- government agencies, boards and commissions

Redeployment – When a particular job or department has been eliminated, an organization may reassign employees to other departments or jobs as an alternative to layoffs.

Return to Work Policy – A return to work policy 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.

Service Animal – Defined by Manitoba’s Human Rights Code, a service animal is trained to assist a person with a disability. The work or tasks a service animal performs must be directly related to a person’s physical or mental disability. Animals that provide comfort and companionship, but are not trained to assist with a person’s disability, are not service animals. For more information on service animals, please visit the Manitoba Human Rights Commission (<http://www.manitobahumanrights.ca/v1/>).

Support Person – In relation to a person who is disabled by a barrier, a support person is someone who accompanies that person to:

- support the person obtaining, using or benefiting from a good or service provided by an organization
- assist the person in addressing his or her communication, mobility, personal care or medical needs

Undue Hardship – Sometimes, an accommodation becomes so difficult it becomes unreasonable, or an undue hardship. However, it is more than minimal hardship and it must be based on actual evidence of hardship and not merely assumptions about how hard it would be to accommodate a person’s special needs. For more information, please visit the Manitoba

Human Rights Commission's guideline on Reasonable Accommodation in the Workplace
(<http://www.manitobahumanrights.ca/v1/education-resources/resources/reasonable-accommodation.html>).