



## Accessible Employment Policy

Manitoba Advocate for Children and Youth

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**Date of first approval:** January 28, 2021

**Date updated:**

[Insert date]

## Introduction

The Manitoba Advocate for Children and Youth has developed the policies, organizational practices and measures outlined in this document to meet the requirements of the Accessible Employment Standard Regulation and 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 management, human resource practitioners and employees responsible for activities identified under sec. 7(1) of Accessibility Standard for Employment under *The Accessibility for Manitobans Act*.<sup>1</sup>

Wherever practicable, the Manitoba Advocate follows the policies of the Civil Service Commission with respect to removing barriers to employment, specifically:

**1.5.2** [Removing Employment Barriers](#);

**2.2.3.** [Barrier-Free Recruitment](#); and

**3.1.3** [Reasonable Accommodation](#).

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<sup>1</sup> Persons within the employer's organization who are responsible for (a) recruiting, selecting or training employees; (b) supervising, managing or coordinating employees; (c) promoting, redeploying or terminating employees; or (d) developing and implementing the employer's employment policies and practices.

# 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. We seek their advice on how best to accommodate their needs. See: Employers' Handbook for Accessible Employment.
- 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 accommodation.
  - Put the appropriate 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 (the peer-to-peer orientation manual).

## Employment Accessibility Requirements

### 3. Inform employees about accommodation policies and practices.

#### **Policy Statement:**

We keep employees informed about our 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 and any updates in multiple ways, such as:

- our public website, memos, newsletters, or through staff emails
- included in job advertisements
- through discussions with management (in person, by phone or through email)
- 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.
- We provide information to an employee in an accessible format upon request.

### 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. Direct supervisors will work with HR and the employee to document an accommodation plan.

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

The individualized accommodation plan includes:

- accessible formats and communication supports, 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

Our employees will participate and cooperate in the accommodation process by:

- providing related information and taking part in assessments, if requested by the employer
- complying with the individualized accommodation plan
- notifying their direct supervisor of any updates and providing ongoing feedback related to modifications, including whether the accommodation is no longer required

Supervisors will review the accommodation plan within three months of implementation and as part of regular employee reviews.

Supervisors will also review an employee's individualized accommodation plan, and update if required, 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

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

We support employees by providing reasonable accommodations in the workplace. Employees may make a verbal or written request to their manager for an individualized accommodation plan.

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

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

We may request that the employee provide documentation from a duly qualified health practitioner who supports the need for the accommodation.

We may request, and cover costs for, an evaluation by an independently regulated health professional or other practitioner in the area of workplace accommodations for employees with disabilities.

### **C. Assistance for the employee in developing the accommodation plan**

An employee may request assistance with developing the plan, including:

- An individual or organization with knowledge of workplace accommodations for employees with disabilities.

### **D. 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 and with any communication

support to meet the needs of the employee.

## **E. Reasons for denying a request**

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 independently regulated health professional(s) does not support the employee's self-assessed requirement for a workplace accommodation.
- Our research and evidence show that the accommodation request would cause undue hardship (e.g., by creating safety risks to other employees or a significant measurable financial burden).

## **F. Maintaining privacy**

We maintain employee privacy regarding accommodation plans and personal health information by following the practices outlined in section [10 below](#).

### **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.

### **Policy statements:**

We ensure our performance management process takes into account:

- that an employee may be temporarily or permanently disabled by one or more barriers in the workplace
- an employee's individualized accommodation plan
- that the accommodations provided for an employee may not fully address a workplace barrier

### **Practices and Measures:**

- We meet with new staff regularly during bi-weekly supervisions, six months into employment and at least once annually 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.
- We discuss existing workplace accommodations and propose modifications or new workplace accommodations if we believe this could help improve the performance of an employee with a disability.
- Prior to imposing disciplinary measures, we consider whether there is a connection between concerns about job performance and workplace barriers.

## 7. Provide career development, training, internal advancement and reassignment.

### Policy Statements:

When providing career development, training or opportunities for internal advancement or reassignment, we ensure the process for recruiting and selecting candidates takes into account:

- that an employee may be temporarily or permanently disabled by one or more barriers in the workplace
- an employee's individualized accommodation plan
- that the workplace accommodation provided for an employee with a disability may not fully address the workplace barrier

Our practices and measures aim to ensure that workplace accommodations do not negatively affect access to career development.

### Practices and Measures:

- We recruit and select candidates based on objective criteria, such as current training, job experience, skills and number of years on the job.
- If a candidate has an individualized accommodation plan, we ensure it is adequate to address any barriers presented by the new opportunity, or we modify the plan accordingly.
- Our training program and methods for career development are accessible to all employees. If a barrier is identified, we attempt to remove or reduce it.

## 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.

We include a description of the process we will follow in determining the accommodations necessary to facilitate the return to work of employees who have been absent due to a disability or health condition.

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 the children, youth, young adults, and families we serve 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.

### Policy Statements:

We notify all employees of steps to be taken during emergencies, to ensure the safety of employees who are temporarily or permanently disabled. We provide workplace emergency response information to all new employees and invite them to inform their manager of assistance required in an emergency. We ensure workplace emergency response information is specific to each employee's needs and the physical nature of the employee's workspace.

Once we learn an employee requires assistance during a workplace emergency, we offer the employee individual workplace emergency response information as soon as possible.

We review the workplace emergency response information provided to an employee each time:

- the employee is moved to a different workspace
- the employee's workspace is modified
- we review our general emergency response plans and make changes that would affect the employee's response to an emergency in the workplace

If an employee who receives workplace emergency response information requires the assistance of another person during an emergency, we obtain consent from the employee who will assist, and we inform that person how to assist.

### Practices and Measures:

- The Manager of Finance and Administration will send a memo annually to all employees to inquire whether they need assistance during an emergency and to remind them of the office or building's emergency plan.
- We regularly discuss general accessibility and identify barriers during Workplace Safety and Health meetings.
- In a situation where an employee cannot descend or ascend the stairs to exit the building during an evacuation, with permission from the employee, we identify someone to remain

- with this person in the (designated safe area).
- The person acting as fire marshal for the floor on which the employee is located during the emergency, ensures communication with these employees during the emergency by cellphone.
- The person acting as fire marshal informs building security or the fire department about the number and location of employees who remain in the building.

## 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 using confidential forms or locking file storage and limiting access of this information to managers, designated Workplace Health & Safety Representatives, and human resources 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

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 are assisted by a support person or service animal.
- an overview of The Accessibility for Manitobans Act, The Human Rights Code (Manitoba), and the Accessible Employment Standard
- our organization's accessible employment policies, practices and measures, including updates or changes

### Practices and Measures:

- We train new employees and management as soon as reasonably possible, and no later than one month after hiring.
- We will ensure employees complete all required training, including informing staff about updates to policies, practices and measures. Training is offered as needed, following updates.
- The Manager of Finance and Administration maintains records of who has taken training and when.

## 12. Keep a written record of accessibility and training policies.

### Policy Statements:

We keep a written record of our accessibility and training policies. Our written documents include a summary of the content of our training material and a list of dates when training is offered.

We let the public know that our policies are available upon request and we provide these in a format that is accessible for the user.

### Practices and Measures:

- We will let the public know that our accessibility and training policies are available in the following ways:
  - posted on public website,
  - posted at our building entrance, ticket counter, service reception desk or in high traffic areas
  - included in advertisements
  - through employees, volunteers or management (in person, by phone or through recorded greetings)
- We provide our policies within a reasonable timeframe, and in a format that meets the needs of individuals with a disability, at no additional cost and upon request.

### Notes:

**Date of next policy review: January 2023**

## 13. Approved on February 1, 2022, by Ainsley Krone, Acting Manitoba Advocate for Children and Youth

This document is available in alternate formats, upon request.

Manitoba Advocate for Children and Youth thanks the Disabilities Issues Office for allowing the adaptation of their resource material for this document.

### For more information, contact:

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