Accessibility Standard for Employment Administrative Procedure 2.A.05

Board Governance Policy Cross Reference:

Legal Reference: *The Manitoba Human Rights Code, The Accessibility for Manitobans Act, Customer Service Standard Regulation, the Freedom of Information and Protection of Privacy Act and Regulations, The Personal Health Information Act and Regulations*

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INTRODUCTION

Evergreen School Division is 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 procedure, practices, and measures are intended to meet the requirements of Manitoba's Accessibility Standard for Employment.

1. PRE-EMPLOYMENT ACCESSIBLIITY REQUIREMENTS

1.01 Remove Barriers to Recruitment and Selection

a) During recruitment, we inform potential applicants that reasonable accommodations are available during the selection process, and we respond to requests for accommodations.
b) 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.
c) When making interview arrangements in writing or verbally, we inform applicants that reasonable accommodations are available during the assessment and selection process.
d) When an applicant has made a request for accommodation during the selection process, we:
    i. Consult with the applicant to determine the appropriate accommodation.

ii. Put the appropriate accommodation in place during the assessment or selection process.

1.02 Mention Workplace Accommodations When Offering Employment

a) When hiring, we inform selected applicants of our measures for accommodating employees with disabilities.

1.03 Inform Employees About Accommodation Practices

a) We keep employees informed about our accommodation measures and practices for employees with disabilities.
b) We also provide updates to employees when this information changes.
c) We provide this information to employees in multiple ways (posted on portal/website, memos, emails, through staff meetings, etc).

1.04 Communicate in a Way That Meets Employee's Needs

a) 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.
b) If requested by an employee with a temporary or permanent disability, we:
    i. Consult with the employee to identify the accessible formats, or communication supports needed when providing information to the employee.
    ii. Ensure that identified accessible formats or communication supports are continually used when providing information to the employee.

1.05 Provide Individualized Accommodation Plans

We aim to provide reasonable accommodations by developing and documenting individualized accommodation plans for employees with disabilities who request them, ***in writing from their Supervisor****. Medical notes are required to support appropriate planning for accommodation requests.* ***Evergreen School Division will cover the costs associated with an independent evaluation of an employee to determine if reasonable accommodation is required. Both the employee and their accommodations will be assessed on an individual basis.***

a) The individualized accommodation plan includes:
    i. Accessible formats and communication supports, if requested;
    ii. Workplace emergency response information, if required;
    iii. Details of how and when any other accommodations will be provided;

iv. Details when the plan will be reviewed.

b) Employees will participate and cooperate in the accommodation process by:
   i. Providing related information and taking part in assessments, if requested by employer;
   ii. **Providing relevant information to assist in the development of an accommodation request, including medical reports or reports by other practitioners in the area of workplace accommodations;**
   iii. Complying with the individualized accommodation plan;
   iv. Offering ongoing feedback related to modifications, including whether the accommodation is no longer required.

c) Supervisors will review an employee's individualized accommodation plan, and update if required, when:
   i. The employee's workplace is modified or relocated;
   ii. The employee's responsibilities have changed;
   iii. Other workplace changes have occurred that affect the accommodation;
   iv. The employee has made a request to review and update the accommodation plan.

d) Assistance for the Employee in Developing the Accommodation Plan
   i. An employee may request assistance with developing the plan, including assistance from a representative of their union if applicable, or another person who is knowledgeable about workplace accommodations for employees with disabilities.

e) Accessible Formats
   i. 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 with any communication support to meet the needs of the employee.

f) Reasons for Denying a Request
   i. We may deny an employee's request for an individualized accommodation plan in the following circumstances:
      - The independent regulated health professional(s) does not support the employee's self-assessed requirement for a workplace accommodation;
      - Our research and evidence shows that the accommodation request would cause undue hardship (e.g., by creating safety risks to other employees or a significant measurable financial burden).

g) Maintaining Privacy
    i. We maintain employee privacy regarding accommodation plans and personal health information by following the practices as outlined in section 1.10 below.

1.06 Manage Performance

a) We ensure our performance management process takes into account:
    i. That an employee may be temporarily or permanently disabled by one (1) or more barriers in the workplace;
    ii. An employee's individualized accommodation plan;
    iii. That the accommodations provided for an employee may not fully address a workplace barrier.
b) We meet with new staff within the first few months of employment and at least once annually to discuss progress, new goals and any challenges.
c) Existing or newly required workplace accommodations are discussed, including individualized accommodation plans and any assistance required during emergencies.
d) 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.
e) We discuss existing workplace accommodations and propose modification or new workplace accommodations if we believe this could help improve the performance of an employee with a disability.
f) Prior to imposing disciplinary measures, we consider whether there is a connection between concerns about job performance and workplace barriers.

1.07 Provide Career Development, Training, Internal Advancement and Reassignment, if Applicable

a) When providing career development, training or opportunities for internal advancement or reassignment, we ensure the process for recruiting and selecting candidates takes into account:
    i. That an employee may be temporarily or permanently disabled by one (1) or more barriers in the workplace;
    ii. An employee's individualized accommodation plan that the workplace accommodation provided for an employee with a disability may not fully address the workplace barrier;

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

c) We recruit and select candidates based on objective criteria, such as current training, job experience, skills and number of years on the job.

d) 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.

e) 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.

1.08 Put Return-to-Work Processes in Place

We are committed 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.

a) 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.

b) This typically involves modifying and graduating employee duties and hours at work, according to their functional abilities.

c) This includes 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.

d) We will make efforts to modify employees' duties and work schedule based on their functional abilities.

e) We will keep in touch with absent employees and the Workers Compensation Board of Manitoba (WCB) (where involved) throughout the employees' recovery as appropriate.

f) We will offer meaningful and productive modified or alternative duties that are safe and within the employee's functional abilities.

g) We are flexible and tailor the return-to-work plan to the employee's needs.

h) We ensure supervisors and co-workers support employees who have been absent due to a disability and participate in the return-to-work process.

i) We educate staff on why returning to work is good for business and outline the expectations for supporting an employee in a modified role.

j) We follow WCB's return-to-work process. See *Employers' Handbook for Accessible Employment.*

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

1.09 Provide Workplace Emergency Response Information

a) We notify all employees of steps to be taken during emergencies, to ensure the safety of employees who are temporarily or permanently disabled.

b) We ensure workplace emergency response information is specific to each employees' needs and the physical nature of the employee's workspace.

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

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

   i. The employee is moved to a different workplace;
   ii. The employee's workspace is modified;
   iii. We review our general emergency response plans and make changes that would affect the employee's response to an emergency in the workplace.

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

f) We inform employees who require assistance during an emergency to review the emergency plan and to remind them of the office or building's emergency plan.

g) We regularly discuss general accessibility and identify barriers during Workplace Safety and Health meetings.

h) In a situation where an employee cannot descend 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).

i) The person responsible for managing emergency response situations ensures communication with these employees during emergencies.

j) The person responsible for managing emergency response situations notifies the fire department about the number and location of employees who remain in the building.

1.10 Maintain Privacy

a) We protect the privacy and confidentiality of employee's personal information and personal health information.

b) 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.

c) 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).*

d) We follow proper protocol when storing confidential employee information.

e) We protect our employees' personal information and personal health information at all times by using confidential forms, locking file storage and limiting access to human resources personnel and managers only.

1.11 Provide Training

a) We provide training on how to accommodate employees with a disability to staff with the following responsibilities:
   i. Recruiting, selecting or training employees;
   ii. Supervising, managing or coordinating the work of employees;
   iii. Promoting, redeploying or terminating employees;
   iv. Developing and implementing employment policies and practices.

b) Training content includes:
   i. How to make employment opportunities accessible to people with disabilities;
   ii. 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;
   iii. An overview of *The Accessibility for Manitobans Act, The Human Rights Code (Manitoba), and the Accessible Employment Standard* (page 12 of 14, May 2020)
   iv. A review of this procedure

c) We train new employees and management as soon as reasonably possible, and no later than two (2) weeks after hiring.
d) We provide refresher training regularly, including informing staff about updates to procedures.
e) Training is offered as needed, following updates.
f) We will maintain records of who has taken training and when.

1.12 Keep a Written Record of Accessibility and Training Policies

a) We keep a written record of our accessibility training.
b) Our written documents include a summary of the content of our training material and a list of dates when training is offered.
c) We will let the public know that our accessibility and training procedure is available upon request.
d) We make the information available through a variety of formats.
e) 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.