Accessibility Standard For Employment – Compliance Deadline For All Employers: May 1, 2022



The Accessibility for Manitobans Act (the "AMA") has established certain standards to achieve accessibility for Manitobans disabled by a barrier. The Accessible Employment Standard Regulation came into force on May 1, 2019. The regulation requires employers to create policies and practices with a view of increasing accessibility in the workplace.

By May 1, 2022, all employers must comply with the following requirements, which require employers to consider reasonable accommodation at various stages of employment:

– Recruiting and Offer of Employment

- Offer reasonable accommodations when recruiting new employees;
- When making an offer of employment, inform applicants about workplace accommodation measures, policies and practices;

– Training

- Ensure that all employees know about workplace policies and practices, including updates. Ensure that this information is offered in accessible formats and with communication supports upon request;
- Consider workplace accommodations to remove barriers that may affect an employee's opportunities for training and advancement;
- Provide training to supervisors, management and human resources staff about accessible employment and related legislation.

– Individual Accommodation Plans

- Develop and implement individual accommodation plans for employees that request them;

– Performance Management

- Management must consider workplace accommodations to remove a barrier affecting an employee's performance;

– Return to Work

- Follow a return to work policy for employees who have been off work due to a disability. Ensure that there is a process to determine reasonable workplace accommodations;

Employers with 50 or more employees are also required to:

- Keep a written record of accessible employment policies and practices, including a summary of training content and when training is offered;
- Create and maintain a policy on individualized accommodation plans that meets the requirements of section 13(2) of the Accessible Employment Standard Regulation; and
- Make accessible employment policies and practices available on request and in accessible formats.

Regardless of the May 1, 2022 deadline, all employers must also tailor their emergency response plans to employees who face special risk due to a disability and, with the employee's permission, share that information with a person appointed to assist the employee during an emergency.

THE COMPLIANCE PROCESS

The framework for compliance will follow a phased-in implementation approach where an Accessibility Compliance Secretariat in the Department of Families will be working to promote and oversee the compliance framework.

The framework has been broken down into a 5-step process:

1. Educating into compliance: Notices or letters will be provided to organizations informing them about upcoming compliance deadlines. Furthermore, an awareness campaign will be launched to provide tools and resources to assist organizations in their compliance efforts.

2. Compliance period actions: Organizations will be selected for step #3 (below) based on:

a. random selection;
b. targeted, sector-specific selection;
c. substantiated concerns about an organization;
d. information provided by partner government departments and bodies that work under complementary legislative and regulatory frameworks; or
e. an organization's non-response to requests about its compliance status.

3. Reviews: An organization selected for this step will be notified that it has been selected for a review. If selected, actions may include a review of an organization's written policies, training materials, reports etc. If results from a review indicate non-compliance, a return to compliance plan will be developed giving the organization the opportunity to comply. If these efforts are unsuccessful, the organization may be escalated to step #4.

4. Inspections: Organizations may be inspected with or without advance notice. Actions in this step may include a review of the organization's written records, an observation of the organization's practices or an interview with staff to gather information. If the results of an inspection demonstrate non-compliance, the organization will be provided the opportunity to return to compliance. If these efforts are unsuccessful, the organization may be escalated to step #5.

5. Sanctions: Actions in this step include issuing an order, an administrative penalty, or laying charges for an offence with a fine.

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