# Manitoba's Accessible Employment Standard And Accessibility Fund



**All Manitoba employers will need to comply with the requirements of the *Accessible Employment Standard Regulation* by May 1, 2022, which is the second regulation issued under *The Accessibility for Manitobans Act*.**

## Overview

Manitoba introduced *The Accessibility for Manitobans Act* (the "AMA") in 2013 to prevent and remove barriers to accessibility. The AMA currently includes two standards that address different accessibility barriers: (1) accessible customer service and (2) accessible employment.

By November 1, 2018, all employers in Manitoba were obligated to comply with the *Customer Service Standard Regulation*.

By May 1, 2020, all employers were required to comply with the workplace emergency response requirements set out in the *Accessible Employment Standard Regulation* (the "Standard").

For all other requirements under the Standard, private sector employers have until **May 1, 2022** to comply. These additional requirements address employers' general obligations in regards to accessible employment (e.g., accessible recruitment, training and performance management practices) and their obligations to individual employees, including individualized accommodation and/or return to work plans.

The following is a summary of the policy development requirements of all employers with respect to employees' return to work, and additional obligations for large employers, and does not address all requirements under the Standard. We encourage all employers to review the Standard and/or visit the AMA website for more information.

## Return to Work Policy

By May 1, 2022, all Manitoba employers, regardless of size, must establish and implement a policy on the return to work process for employees who have been absent from work due to a disability and who require reasonable accommodation.

The policy must include a description of the process the employer will follow in determining the accommodations necessary to facilitate the return to work of an

employee.

## Additional Obligations on Large Employers

There are additional obligations under the Standard for *large employers* who employ at least 50 employees.

## General Employment Accessibility Policy

Large employers are required to document all accessible employment measures, policies and practices established in relation to the Standard. For ease of reference and audit purposes, these documented policies and procedures should all form part of one general employment accessibility policy.

Large employers must also make their policies publicly available and in an accessible format, on request.

## Accommodation Training Policy

All employers, for instance, must ensure that accommodation training is provided to persons within the organization who are responsible for:

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

Large employers, however, must also develop a written accommodation training policy that includes a summary of the content of the accommodation training and when accommodation training will be provided.

## Individualized Accommodation Plan Policy ("IAP"):

Large employers must establish and implement a policy respecting individualized accommodation plans for employees who are temporarily or permanently disabled by a barrier in the workplace. This policy must include specific information as set out in section 13 of the Standard, including but not limited to the following:

- how an employee can request that the employer prepare an IAP for the employee;
- that the employee can request a representative of the bargaining agent (if represented by a union) or a person who is knowledgeable in the area of workplace accommodations to assist in the development of the plan; and
- the circumstances in which the employer may deny an employee's request for an IAP.

## The Manitoba Accessibility Fund

On February 14, 2022, the Government of Manitoba announced the Manitoba Accessibility Fund (the "Fund") to help organizations and businesses create awareness and compliance with the AMA and its standards.

Under this Fund, employers can apply for up to $50,000 in provincial support for projects that remove barriers to people with disabilities and promote accessibility across the province.

The following sections provide a brief overview of the Fund's application and eligibility criteria.

## Application Objectives

Applications must target the first three accessibility standards under the AMA affecting:

1. customer service (*Customer Service Standard Regulation*);
2. employment (*Accessible Employment Standard Regulation*); and
3. information and communications (anticipated in 2022).

Applications must also fulfill at least one of the following objectives in support of the AMA and the standards:

- raise awareness about preventing and removing barriers;
- develop tools, resources and training to support compliance with the AMA standards; and
- remove barriers to information and communications electronically, in print and in-person.

## Eligible Organizations

Applicants include eligible organizations that have been in operation for at least one year. Eligible organizations include the following:

- local businesses or corporations based in Manitoba and registered with the Companies Office providing services to Manitobans;
- non-profit organizations;
- on-reserve business and organizations that meet all other eligibility requirements;
- municipalities and local authorities such as planning districts and Northern Affairs Community Councils; and
- universities, colleges and school divisions.

## Application Process

Employers can submit their applications starting **March 1, 2022** and until the submission deadline of April 15, 2022.

More information on the Fund, eligible activities and eligible costs can be found here.

Employers seeking guidance regarding the *Accessible Employment Standard Regulation* and its requirements or the new Manitoba Accessibility Fund should contact a member of our labour and employment team in Winnipeg.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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