

**The Accessibility for
Manitobans Act, 2013**

**Accessible Employment
Standard Development Committee**

TERMS OF REFERENCE

September, 2015

Minister Responsible for Persons with Disabilities
Disabilities Issues Office

1. Purpose:

A standards development committee is established under *The Accessibility for Manitobans Act, 2013*, to be known as the Accessible Employment Standard Development Committee (committee). The Minister has prepared and made public these Terms of Reference for the committee.

The purpose of these Terms of Reference is to direct and guide the committee in carrying out its roles and responsibilities.

2. Mandate

The committee will develop and provide the Accessibility Advisory Council (council) with recommendations for a proposed Accessibility Employment Standard (standard). Once approved by council, a report, containing recommendations for a proposed standard, will be forwarded to the Minister as set out in the Act and the Terms of Reference.

The proposed standard should address barriers to accessibility for those most affected by the prevention and removal of barriers in the area of employment in Manitoba.

Barriers that are identified in the standards development process should be those that are common across the broadest range of Manitoba industries and sectors of the economy or classes of persons or organizations that provide employment.

Under the *Act*, “barrier” means anything that interacts with a person who has a physical, mental, intellectual or sensory disability in a way that may hinder that person’s full and effective participation in society on an equal basis.

For the purpose of discussion and development of a proposed standard, the focus is to be on paid employment practices, and related to employee-employer relationships, including recruitment, hiring, and retention policies and practices.

In developing the proposed standard, the committee will identify and consider the nature of the barriers experienced by people with a range of disabilities in the area of paid employment in Manitoba. The proposed standard will set out the policies, practices and other requirements for the identification and removal of barriers with respect to paid employment for persons with a range of disabilities.

The committee should encourage innovation and best practices in the area of employment, and, where appropriate, consider existing international standards

legislation, regulation codes, and best practices in Manitoba, other Canadian provinces, and internationally, in the area of employment accessibility.

3. Guiding Principles:

The committee must have regard for the following principles in carrying out its mandate:

- **Access:** Persons should have barrier-free access to places, events and other functions that are generally available in the community;
- **Equality:** Persons should have barrier-free access to those things that will give them equality of opportunity and outcome;
- **Universal design:** Access should be provided in a manner that does not establish or perpetuate differences based on a person's disability;
- **Systemic responsibility:** the responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.

4. Committee Roles and Responsibilities:

The committee will:

- Consider the full range of disabilities in identifying barriers in the area of employment in Manitoba and develop a proposed standard to address those barriers.
- Make achieving the purpose of The Accessibility for Manitoba Act, the primary consideration of all the committee's work, including its deliberations, activities and deliverables.
- Determine long-term accessibility objectives for Manitoba industries, sectors of the economy or classes or persons or organizations impacted by the proposed standard.
- To the extent possible, provide that all materials produced by the committee, whether written or otherwise, that are to be shared with the public, are clear and in plain language, concise, logical and unambiguous. Such materials include committee summary of discussions, progress reports and the proposed standard.
- Abide by these Terms of Reference, any direction the Minister may issue, and the *Act* as it relates to the committee's roles and responsibilities.

- Review and consider all information, material and guidance provided by the Minister and the Disabilities Issues Office (DIO) to assist the committee in its work.
- Identify the persons or organizations that must implement the proposed standard, and specify the dates by which requirements should be implemented.
- Prepare a discussion paper, including requirements of a proposed standard, for review and approval by the council. The proposed standard must be posted 60 days prior to commencing public consultations.
- Following public consultations of the proposed standard, prepare the proposed standard by:
 - Considering the comments received during the public review,
 - Making any changes the committee considers advisable, and
 - Submitting the proposed standard to the council for review and approval.

5. Membership

The council has the responsibility under the Act to make recommendations to the minister regarding the development of accessibility standards. They are:

- Yvonne Peters, Chairperson of the Manitoba Human Rights Commission
- Jim Derksen, Council of Canadians with Disabilities, Vice-Chairperson
- Ralph Groening, Association of Manitoba Municipalities
- Jesse Turner, Member of the Manitoba League of Persons with Disabilities Manitoba
- Jim Baker, Manitoba hotel Association
- Scott Jocelyn, Manitoba Restaurant and Foodservices Association
- Lanny McInnes, Retail Council of Canada
- Doug Momotiuk, Manitoba Deaf Association
- Judy Redmond, City of Winnipeg Universal Design Coordinator
- Dave Schellenberg, Manitoba Council on Aging

Subject to the Minister, the Act also allows the council to establish standard develop committees. Members of the committee are appointed by the council and may include persons who are not members of the council. The committee is

comprised of people with a thorough understanding of current employment practices in Manitoba and representatives of the sectors and organizations who may have obligations under the proposed standard.

The representatives are yet to be determined.

The committee will be required to achieve consensus on committee decisions that fulfill the Terms of Reference. Consensus means substantial agreement of members, without persistent opposition, by a process taking into account the views of all members in the resolution of disputes. Unanimous decisions are not necessarily required to achieve consensus.

As explicitly stated in the *Act*, in attempting to achieve a consensus among its members on the recommendations, one or more members may submit separate recommendations if a consensus are not achieved.

6. Chairperson

The council will assign an independent and experienced individual to chair committee proceedings and an individual to perform this role in the absence of the chairperson.

7. Chairperson Responsibilities

In carrying out his or her duties, the Chairperson will:

- a) Vote only when there is a tie in the decisions of the committee;
- b) Act in an impartial manner and be non-partisan;
- c) Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives;
- d) Determine when a consensus is reached;
- e) Record in writing any declared conflict of interest and provide to the Minister;
- f) Verify that minutes of the meetings are accurately recorded
- g) Monitor the work of the committee with a view to keeping it on track to meet timelines.

8. Structure

Meetings will be approximately two hours or as required and will be held every three weeks from October 2015 to March 2016.

Meetings will be facilitated by the chairperson, or in the absence of the chairperson, the vice-chairperson. Administration and coordination support will be provided by the DIO, with staff from the Department of Family Services available to support the work of the committee.

9. Meetings

The date of the first meeting will be determined by the chairperson and the greatest availability of committee members. Subsequent meeting dates will be established at the conclusion of the previous meeting.

Meetings of minutes will be taken and disseminated to council members, but will not be available for public viewing.

A summary of discussion at meetings of the committee will be prepared based on the minutes of the meeting within 14 days of the meeting at be posted on the DIO website, www.gov.mb.ca/dio .

10. Conflict of Interest

Where a committee member feels they are in a conflict of interest with respect to any matter before the committee, the member must immediately contact the chairperson to discuss the issue and the potential conflict. Where the chairperson determines that the member is in a conflict of interest with respect to the issue, the chairperson will ask the member to withdraw themselves from the discussion/decision making.

Where necessary, the member may consult with DIO staff with respect to the conflict. DIO staff may call on the services of the Civil Legal staff to come to a determination on the matter.