

**SUMMARY OF DISCUSSIONS OF THE
ACCESSIBILITY ADVISORY COUNCIL
FRIDAY, MARCH 16, 10:00 A.M. – 1:00 P.M.
SECOND FLOOR EXECUTIVE BOARDROOM
NORQUAY BUILDING, 401 YORK AVENUE**

Present: Jim Baker (Chairperson), Jim Derksen, Scott Jocelyn, Dianna Scarth, Judy Redmond, Jesse Turner, John Wyndels (DIO)

Absent: Doris Koop, Ralph Groening

Two new members will be joining the council in the near future. The Secretary notified the council that the Order-in-Councils for the two new members have been forwarded to the Minister's office. If all goes according to plan, the new members would be appointed and able to serve the council sometime in April. The new appointments would take the council to nine members, its maximum allotment under government rules concerning Agencies, Boards and Commissions (ABC).

Theresa Harvey-Pruden, appointed to conduct the four-year review of The Accessibility for Manitobans Act, is scheduled to meet with the Minister in the near future to discuss her responsibilities. She will want to meet with, among other people, the council, former council members, and committees established by the council to develop proposed standards.

There continue to be issues of concern to the council and it was determined that a letter be forwarded to the Minister to schedule a meeting. The council is required to have a least one meeting with the Minister per year. The Secretary will prepare a letter requesting a meeting with the Minister.

The Secretary had prepared a re-working of the proposed standard following discussions from our previous meeting. Section 3 of the standard sets out some guidelines determining when accommodation is reasonable. In the proposed standard, it applies exclusively to employees. Given the standard extends to potential applicants for employment, an additional provision was asked by the council to be included in this section.

It was suggested that section 4(3) of the Customer Service Standard be incorporated into the employment standard. This is the provision stating that an organization's action must be consistent with the purposes and principles of the Act and obligations under the Human Rights Code.

The council requested clarification from the legal drafter regarding provision 9(b) and 10 (b). A portion of the legal drafter's response is below.

The provision reads that employers must ensure that the standard used to determine performance reflects the fact that some employees may be disabled by barriers, and that accommodations may not fully equalize the playing field. Thus, for such an employee, failing to meet a pre-set standard does not equal "bad".

The council was satisfied with the response and the provision will remain.

The council also wanted to know how we are determining the number of employees in an organization. Because organizations with 20 or more employees are required to document policies and practices regarding the proposed standard, we should have a method to determine how an organization can determine the number of its employees. This is especially relevant to organizations that have many part-time and seasonal workers. We borrow from The Workplace Health and Safety Act that has a section pertaining to this. The council approved its inclusion.

The Secretary will prepare a Briefing Note for Minister, with an attachment identifying recommended amendments to the standard. The Minister can accept or reject all or any of the amendments. It is the intention of the Secretary to have the Briefing Note prepared and submitted next week.

The council is anxious to hear the status of the Information and Communications standard. The Secretary explained that developing the standard has been difficult, but the sub-committee expects to have a written draft of the proposed standard for the committee to review in the near future. The council is requesting a meeting with the Chairperson of the information and communications standard, to provide the council with an update.