

**SUMMARY OF DISCUSSIONS OF THE
ACCESSIBILITY ADVISORY COUNCIL
10:00 A.M. – 1:00 A.M., FRIDAY, MARCH 2, 2018
EXECUTIVE BOARDROOM, SECOND FLOOR
410 YORK AVENUE, NORQUAY BUILDING**

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

Absent: Doris Koop, Ralph Groening

The Chairperson introduces Victor Minenko, who was asked by the council, to speak to issues regarding the proposed employment standard. Victor has extensive experience in the development of regulations and played an integral role in the development of The Accessibility for Manitobans Act (AMA).

Council members wanted to know why terms like reasonable accommodation and undue hardship, which are used in the proposed standard, cannot be included in the definition section. It is explained that the terms are central pillars of the Human Rights Code (HRC), which cannot be used interchangeably with other pieces of legislation. The proposed standard is developed and for use under the AMA, not the HRC.

The council also wants some clarification of Section 3 – When is accommodation reasonable. Victor suggests that the section is used to give an understanding of accommodation, in the context of the standard, and help clarify the interactive relationship between the employer and the employee.

The council would like a separate provision added to Section 4 requiring employers to establish policies and practices. This would be consistent with the language used in the customer service regulation. The existing provision requiring employers “in developing, updating and implementing” would remain. The one provision in this section, as it is currently drafted, is difficult to understand.

In seeking clarification of provision 7(3), it was suggested that it be eliminated. The prior provision of the section call for a process that do not tread on The Workers Compensation Act.

The council wanted clarification of Section 9(b) and 19(b) in the Sections of Performance Management / Career Development Training and Internal Advancement. The provision reads, “the accommodation or accommodations provided for a particular employee, if any, may not fully address a barrier that disables the employee”. No language in standards is extraneous and it is there for particular reason. Several people speculated why it is there. This will require speaking with the legislative drafter.

The council would like some language that can be used to determine the number of employees an organization has. The differential requirement is this standard, as in the Customer Service standard, is 20 employees. How does this apply to organizations with

seasonal workers or a number of part-time employees? Does that mean employees at one time, full-time employees or include full-time and part-time employees? Ontario has indicated the criteria they use to define the size of employers.

The Secretary will prepare for the council an updated version of the proposed employment standard for their review next meeting. The meeting adjourned at 1:00 p.m. The next meeting of the council is Friday, March 16 from 10:00 a.m. – 1:00 p.m. in the Executive Boardroom on the second floor of the Norquay Building, 401 York Avenue.