

# Accessible Employment Standard Regulation

## Regulation Handbook

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December 2025

**This information is available in alternate formats on request.**

Please contact the Manitoba Accessibility Office at [MAO@gov.mb.ca](mailto:MAO@gov.mb.ca) or call 204-945-7613 or toll free at 1-800-282-8069, ext. 7613.

### Legal Disclaimer

This handbook is not legal advice. It aims to assist employers to understand the Accessible Employment Standard Regulation. This handbook does not replace the content of the [Accessible Employment Standard Regulation](#) or [The Accessibility for Manitobans Act](#). If there is any conflict between this resource and the regulation or the act, the latter two shall prevail.

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## Introduction to The Accessibility for Manitobans Act

Nearly every Manitoban has a disability, knows someone with a disability or will have a disability in the coming years.

[The Accessible Employment Standard Regulation](#) was the second regulated standard enacted under [The Accessibility for Manitobans Act](#). The standard builds on the existing requirements of the Human Rights Code (Manitoba). It addresses practices relating to employee-employer relationships, including measures, policies and practices related to the recruitment, hiring and retention of employees.

### The Need for Legislation

[The Accessibility for Manitobans Act](#) was enacted in 2013. The act has two main goals:

- **Goal 1:** identify, prevent and remove accessibility barriers to participation
- **Goal 2:** make progress towards achieving accessibility in Manitoba

Manitoba's efforts focus on awareness-raising, education and training obligated organizations to fulfill the requirements set out in the law. Like other laws, The Accessibility for Manitobans Act also sets out compliance and enforcement measures, including inspections, orders to comply and monetary penalties for non-compliant organizations.

### Regulated Accessibility Standards

Accessibility standards, or regulations, are the building blocks of The Accessibility for Manitobans Act. Regulated accessibility standards outline who has to do what and by when, to enhance [accessibility](#).

The Manitoba government appointed the Accessibility Advisory Council to assist in developing five regulated standards under The Accessibility for Manitobans Act, which includes:

- [Accessible Customer Service Standard Regulation](#)
- [Accessible Employment Standard Regulation](#)
- [Accessible Information and Communication Standard Regulation](#)
- [Accessible Transportation Standard Regulation](#)
- [Accessible Outdoor Spaces Standard Regulation](#)

### The Accessible Employment Standard Regulation

On May 1, 2019, the Manitoba government passed the [Accessible Employment Standard Regulation](#) under The Accessibility for Manitobans Act. The regulation builds

on the [Human Rights Code \(Manitoba\)](#) by setting requirements for Manitoba employers to remove barriers at all stages of employment including the recruitment, hiring and retention of employees.

This regulated standard is designed to help remove accessibility barriers in the workplace and ensure fair, inclusive employment practices for people with disabilities. It applies to every organization with paid employees, regardless of size or sector.

### **All Manitoba employers must comply with the Accessible Employment Standard Regulation.**

The Accessible Employment Standard applies to any employer in Manitoba with paid employees who are full-time, part-time, seasonal or apprentices.

#### **Requirements for employers under the Accessible Employment Standard include:**

- providing accessible recruitment and hiring processes, measures, policies and practices to accommodate potential applicants and applicants who are disabled by barriers
- offering reasonable accommodations to remove barriers for employees
- creating individualized accommodation and return to work plans
- ensuring emergency procedures include support for employees with disabilities
- maintaining privacy for employees by protecting personal or health-related information
- training staff with management or human resource duties on accessible employment policies and practices

[Large employers](#) and public sector organizations are required to document their accessible employment policies and to establish individualized accommodation policies. A large employer is defined under the Accessible Employment Standard Regulation. [View the definition as listed under the regulation.](#)

## **Barriers to Accessibility**

An accessibility [barrier](#) is anything that limits or prevents a person from being able to receive information, services and goods, or access to spaces or activities.

### **Physical Barriers**

Aspects of the physical environment can make it difficult for some people to easily access the work environment. For example, the staff washrooms are located down a narrow hallway and with a narrow doorway. This could make it difficult for an employee who uses a wheelchair, electric scooter or walker to access the washrooms safely.

## **Information and Communication Barriers**

Barriers to information and communication are easy to miss, if they do not affect you, but are present in almost every aspect of daily life. Barriers to information and communication occur when not everyone can understand or access the message being delivered. For example, during a workplace training session on new safety procedures, a company distributes printed manuals with small font and complex technical language. One employee has a visual impairment and another has an intellectual disability. The small print makes it difficult for the visually impaired employee to read the material. The complex language and long sentences make it hard for the employee with an intellectual disability to understand the content.

## **Technology Barriers**

Technology can enhance access by offering alternative ways for participation and tools that address barriers. For example, computers now allow people to have online work accommodations, which addresses some forms of anxiety and physical mobility barriers.

Use of or reliance on technology can also create disabling barriers. For example, an employee who is blind works in a customer service role and needs to access the company's internal portal to retrieve client information. This portal is not compatible with screen reading software and the images and buttons on the site lack descriptive alternative text. The portal's design does not support assistive technology, making it inaccessible for some employees and creating a barrier.

## **Systemic Barriers**

Barriers are systemic when they are a result of an organization's policies or usual practices. For example, an employer uses an online job application platform that requires applicants to complete a timed video interview without offering captioning or the option to respond in ASL. Deaf applicants would be unable to fully participate in the interview process, resulting in automatic disqualification or a poor evaluation, not because of their qualifications, but because the system is not designed with accessibility in mind.

Organizations can often remove systemic barriers by being willing to make changes to a rule, policy or practice to accommodate a person who is experiencing a barrier.

## **Attitudinal Barriers**

Attitudinal barriers result when people think and act based on false assumptions. For example, an employer denying an employee's request for reasonable accommodations to remove accessibility barriers because the employee doesn't have a visible disability. It is important to remember disability can be apparent or non-apparent, visible or

invisible. Breaking myths and stereotypes is the first step to creating the foundation of a fully inclusive society.

**Attitudes are the greatest barrier of all. With the right attitude, most barriers can be removed.**

## **Reasonable Accommodations in the Workplace**

Accommodations are tools and strategies that break down barriers and allow employees with disabilities to do their jobs. The Accessible Employment Standard Regulation requires employers to provide reasonable accommodations for people with temporary, permanent or episodic disabilities.

**A workplace accommodation is reasonable if:**

- it is required for an applicant to access the materials or activities used in the assessment or selection process and it does not cause undue hardship on the employer
- it is required for an employee to carry out workplace responsibilities or to access employee benefits and it does not cause undue hardship on the employer

[Undue hardship](#) may be met when there are extreme costs or significant health and safety risks to provide an accommodation. Inconvenience, preferences or some costs do not usually qualify as undue hardship.

[Reasonable accommodations](#) level the playing field for employees and prospective employees with disabilities, so they can equally access opportunities available to others in the workplace. It often means adjusting a rule, policy, practice or a physical space to allow changes to the way things are usually done to remove a barrier. For example, an employer changes its practice of only providing the closest parking spots to upper management to offer an employee with limited mobility a parking spot close to the building entrance.

The accommodation process is based on the responsibility, shared by the employer and the employee or applicant, to have meaningful dialogue about accommodations and work together respectfully towards accommodation solutions.

Most workplace accommodations cost little or nothing.

## **Assistive Devices, Support Persons and Service Animals in the Workplace**

Assistive devices, support persons and service animals can remove barriers in the workplace. As an employer or an employee, discovering how to confidently interact with co-workers using these can help create a more inclusive work environment.

## Assistive Devices

Employers must allow employees to use assistive devices such as wheelchairs, walkers and oxygen tanks. An assistive device may be used by a person with a disability to help remove or reduce barriers.

Assistive devices help people with disabilities in their workplaces and complete everyday tasks. From canes and hearing aids to speech-generating devices and cell phones, these tools support independence and inclusion. Employees within the workplace should be trained to recognize, respect and assist with these devices to ensure a welcoming experience for all.

## Support Persons

Employers must welcome [support persons](#) who are there to assist their employees. Support persons may assist a person with a disability with a variety of tasks, including but not limited to communication, mobility, personal care, medical needs or access to goods and services. The individual and their support person must be allowed to remain together.

## Service Animals

Employers must allow [service animals](#) in the workplace. A service animal is any working animal that is trained to meet the disability-related needs of their handler. Defined by The Human Rights Code (Manitoba), a service animal is trained to assist a person with a disability. The work or task a service animal has been trained to perform must be directly related to a person's disability. Service animals may carry out a variety of functions, such as helping an employee navigate the workplace, reminding them to take medication or alerting them to important sounds like fire alarms.

## Accessible Pre-Employment Requirements

The Accessible Employment Standard Regulation requires employers in Manitoba introduce pre-employment policies and practices in the following areas:

- Recruitment and Selection
- Offer of Employment

## Recruitment and Selection

Employers must ensure that [applicants](#) and potential applicants are aware that they may request reasonable accommodations to participate in the selection process.

When an applicant makes a request, the employer must:

- consult with the applicant to identify the barriers they face and determine what accommodations would remove the barrier
- provide or arrange for reasonable accommodations during the selection process

## What can you do to meet this requirement?

The goal is to remove barriers to recruitment and selection. Always offer reasonable accommodations when recruiting new employees.

Inform applicants and potential applicants that the organization will respond to requests for reasonable accommodations during the selection process and let them know how to make a request.

Tell candidates verbally or in writing that accommodations for the assessment process are available on request, when scheduling selection activities, such as an interview, written test or on-the-job skills demonstration.

When applicants make a request, consult with them about what types of accommodations would work best.

- **Only consider what is required to perform the job.** Do not create interview or job requirements that are not necessary to perform the job. This may include a requirement for applicants to have a driver's license, when they could use other transportation to carry out their job. Do not ask for qualifications that are not needed for the job. For example, do not require a driver's license if the work can be done using other transportation.
- **Advertise the job to employment agencies that serve people with disabilities.** Many agencies provide support to assist you and the applicant during the recruitment process.
- **Designate a contact person in your organization who is responsible for receiving and responding to accommodation requests from applicants.** Provide the contact information for the designated person in the job add to make it easy for applicants to request accommodations to remove barriers. Include contact details in the job ad so applicants can ask for accommodations.
- **Use practical strategies for ensuring barrier-free interviews.** Whether in-person or virtual, inclusive and accessible interviews allow all candidates to fully demonstrate their skills. Accommodations can be simple and ensure candidates don't face any unnecessary barriers during the hiring process.
- **Avoid bias with standardized interviews.** Use standardized interview scripts, questions and scoring to ensure consistency between interview candidates.
- **Do not assume what a candidate can or cannot do.** For instance, if a position requires a driver's license, do not assume that a candidate who uses a wheelchair or is Deaf is unable to drive.

## Offer of Employment

An employer must inform selected applicants about workplace accommodation measures, policies and practices when making an offer of employment.

## What can you do to meet this requirement?

Let selected applicants know verbally about your organization's accommodation policies and practices, when making an offer of employment. In addition, provide a written copy of any organizational policies related to accessible employment and reasonable accommodations. Upon request, provide documented policies in an accessible format or communication support.

- **Be proactive.** Inform selected applicants about workplace accommodations, policies and practices and provide them in alternative formats upon request.
- **Support accommodation requests.** Provide selected applicants with an opportunity to request accommodations. This builds trust with the applicant and ensures that they have everything they need to be successful when starting their new role.
- **Build a safe space for open communication with applicants.** Applicants who need accommodations often worry that disclosing a disability could negatively affect their chances of getting the job. Demonstrating support and understanding helps build trust and creates a safe space for open dialogue about accommodations.

## Accessible Employment Requirements

The Accessible Employment Standard Regulation requires employers in Manitoba to introduce policies and practices in the following areas:

- Recruitment and Accommodation Policies: Keeping Employees Informed
- Communication of Information
- Individualized Accommodation Plans
- Performance Management: Providing Accommodations in Performance Management
- Career Development and Advancement: Providing Accommodations in Career Development Training and Advancement Opportunities
- Return to Work Process
- Emergency Response Information
- Privacy: Maintaining Employees' Privacy
- Training
- Documentation: Keeping Written Records

## Recruitment and Accommodation Policies: Keeping Employees Informed

Employers must ensure that all employees are aware of any policies, practices or measures that are in place to support accessible employment. Employees should also be notified any time a policy, practice or measure is updated or changed.

## What can you do to meet this requirement?

When there are changes to accessible employment accommodation policies or practices, notify all employees. This could be done by sending an email to everyone who works for the organization. Supervisors should also review the changes verbally with employees during staff or one-on-one meetings.

- **Inform new employees.** Include information about workplace accommodations in orientation materials.
- **Communication annually.** Send an annual email to remind employees that the workplace is committed to accessible employment, attach a copy of policies and invite employees to speak with their manager, if they need a reasonable accommodation to remove a barrier.
- **Consult with employees.** Incorporate a reminder about accessible employment practices into annual employee reviews.

## Communication of Information

Employers must provide information in accessible formats and communication supports to employees, upon request.

If an employee makes a request, the employer must respond to the request by:

- consulting with the employee to identify the accessible format or communication support that meets their needs
- presenting information to the employee in their preferred accessible format or communication support

## What can you do to meet this requirement?

Make sure that all employees are aware that they may request information in an accessible or alternative format or through a communication support. Removing barriers to communication can be done with a variety of [accessible or alternative formats](#) and [communication supports](#). Always consult with the employee to determine which method will meet their needs to remove the barrier.

### Examples of Accessible or Alternative Formats:

- large print
- Braille
- audio recordings
- electronic text (e.g., Word, PDF with screen reader compatibility)
- captioned videos

## Examples of Communication Supports:

- American Sign Language (ASL) interpretation
- assisted listening devices
- real-time captioning
- communication boards or assistive technology
- plain language summaries

The above lists are not extensive by any means and may include other accessible formats and communication supports. Always consult with the individual making the request to ensure the format or support works for their communication needs.

- **Create accessible documents.** When drafting job postings, organizational policies or reports, think about accessibility from the start.
- **Building accessibility into your documents.** This ensures they can be adapted to meet diverse needs without creating barriers.
- **Always ask the best way to remove a barrier.** Never assume how to remove a communication barrier and always ask which accessible format or communication support someone may require.

## Individualized Accommodation Plans

Upon request, employers must develop and implement [individualized accommodation plans](#) for employees who are temporarily, permanently or episodically disabled by barriers in the workplace.

This is a document, developed collaboratively by the employee and employer, that outlines the specific accommodations required by an employee with a disability to remove accessibility barriers and ensure they can perform their job duties effectively.

### Responsibilities for Individualized Accommodation Plans

**Employee Responsibilities:** The employee must help with the accommodation process by:

- sharing any relevant information and documents, such as medical assessments, if requested by the employer
- participating in the process to determine the accommodation plan
- following the agreed-upon accommodation plan
- letting the employer know if changes are needed or if the accommodation is no longer required
- providing feedback on the accommodation plan to the employer as necessary

**Employer Responsibilities:** The employer must:

- let staff know how an employee may request an individualized accommodation plan
- assess each employee individually, recognizing that even those with similar disabilities or barriers may require different accommodations
- evaluate each potential accommodation to ensure they appropriately meet the unique needs of the employee
- advise the employee that they can request a union representative or person knowledgeable in workplace accommodations to assist in the development of an individualized accommodation plan
- set a timeline to review the accommodation plan regularly
- update the plan if the employee's job, workspace or needs change
- review the plan if the employee requests changes or if the accommodation is no longer needed
- protect the personal information and health information of employees

Employers may ask for an independent evaluation by a qualified health professional or workplace accommodation specialist to help decide if an employee needs an accommodation.

An independent evaluation cannot be completed by the employee's regular primary care provider, specialist or health professional. If an independent evaluation is requested by the employer, the employer can select the independent evaluation be completed by the health care professional of their choosing.

Employers must cover the cost of independent evaluations.

### Medical Assessments and Independent Evaluations

Obtaining medical information to support reasonable accommodations in the workplace is not always necessary. Where possible, limit requests for supporting medical information from physicians. This avoids putting unnecessary strain on the health care system, and it also recognizes that some workers may not have access to a regular family physician.

If accessibility accommodations cannot be obtained without medical information, consider accepting documentation from other healthcare providers such as occupational therapists, physiotherapists, nurse practitioners or chiropractors. Avoid asking for specific evidence of an employee or applicant's diagnosis unless there are concerns for their safety. Professional assessments are best used when an employee or applicant has not identified their accommodation needs or the employer and employee or applicant are unable to find a solution together. The employer should avoid making repeated requests for additional documentation or justification for an accommodation unless an employee's circumstances or responsibilities have changed or a better solution can be found.

## Denial of Individualized Accommodation Plans

Employers may deny an employee's request for an individualized accommodation plan in the following circumstances:

- the information gathered or the independent regulated health professional does not support the employee's self-assessed need for a workplace accommodation
- evidence shows that the accommodation requested creates undue hardship to the employer and it can be demonstrated that there are health and safety risks or major and measurable costs to the employer

If a request for an individualized accommodation plan is denied, the employer must provide the employee with reasons for denying the request in writing.

## What can you do to meet this requirement?

Employees with temporary, permanent or episodic disabilities may request an individualized accommodation plan. Development of the plan is a shared responsibility between the employee and your organization. You should always work with your employee to create an individualized accommodation plan and tailor it to their specific needs. The plan should outline how the employer will provide accessible formats or communication supports, any workplace emergency response information and other identified reasonable accommodations to remove barriers within the workplace. The plan must also explain how the accommodations will be provided and when the plan will be reviewed and updated.

- **Collaborative development.** Work with the employee to identify barriers and agree on solutions. Allow the employee to participate fully in the process and include a representative, if they wish.
- **Document key details.** Clearly outline accommodations, timelines and responsibilities. Include accessible formats, communication supports and any emergency response information.
- **Protect privacy.** Keep medical and personal information confidential. Share details only with those who need to implement accommodations.
- **Review and update regularly.** Set review dates to ensure the plan remains effective. Update when barriers change or new needs arise.
- **Provide accessible formats.** Ensure the plan itself is available in formats that meet the employee's accessibility needs.
- **Communicate clearly.** Explain the process for requesting accommodations to all employees.
- **Focus on flexibility and low-cost adjustments.** Most accommodations involve minor changes at little or no cost. Build flexibility into workplace policies to reduce the need for formal accommodations.

## Performance Management: Providing Accommodations in Performance Management

[Performance management](#) involves any process used by an employer to manage the work of individual employees or to plan, monitor and review an employee's work objectives and overall contribution to the employer's organization.

Some employers use a formal process, which includes setting periodical meeting between the supervisor and employee throughout the year to review their performance. Meetings may involve a written record of their performance, goal setting and any follow-up actions discussed in the meeting.

The Accessible Employment Standard Regulation requires that employers must ensure that any performance management process implemented in the workplace considers that:

- **accessibility barriers can change.** Employees may encounter new temporary or permanent barriers
- **individualized accommodation plan** may be in place and may need to be reviewed to ensure it still meets the needs of the employee
- **existing accommodations may not fully address all barriers** and may need to be adjusted

### What can you do to meet this requirement?

When reviewing an employee's performance, think about whether a workplace barrier might be affecting their work. Engage with the employee and, if relevant, consider how an accommodation could help remove that barrier.

If the employee already has an Individualized Accommodation Plan, changes in performance might mean the plan needs to be updated. This could be due to changes in the employee's disability or medical needs over time.

- **Create a safe and supportive environment.** Offer a private, respectful space for conversations. Listen actively and without judgment. Reassure the employee that their concerns will be taken seriously and kept confidential.
- **Be approachable and open.** Let employees know they can come to you with concerns at any time. Avoid making assumptions about their needs or limitations.
- **Understand the concern.** Ask thoughtful questions to understand barriers or challenges. Focus on how you can help, not why the accommodation is needed.
- **Respect privacy.** Don't pressure employees to share personal or medical details. Only ask for information that's necessary to support the accommodation process.

- **Promote disability inclusion.** Ensure your attitude and actions reflect the organization's commitment to inclusion. Avoid letting stereotypes or preconceptions influence performance evaluations.
- **Know the accommodation process.** Be familiar with your organization's policies and procedures for accommodations. Help guide employees through the process, if needed.
- **Follow up and adjust.** Check in regularly to see if the accommodation is working. Be open to revisiting and updating the plan as needs change.
- **Encourage a culture of inclusion.** Model inclusive behavior across the organization. Support training and awareness initiatives around accessibility and accommodations.

## Career Development and Advancement: Providing Accommodations in Career Development Training and Advancement Opportunities

Many employers support career growth by offering employees new responsibilities and training. Promotions may happen through internal recruitment or organizational restructuring. Employees may be reassigned to a different department or position in the organization. In all these situations, it is important to ensure that employees with disabilities have equal access to opportunities and support.

The Accessible Employment Standard Regulation requires that employers who provide opportunities for [career development](#) training or internal advancement must ensure that the process for recruiting, selecting, training, promoting or the [redeployment](#) of employees is inclusive. The intent is to ensure that when employers provide career development or advancement opportunities that they consider the accessibility needs of employees with disabilities. Employers should consider that:

- accessibility barriers can change. Employees may encounter new temporary or permanent barriers
- an individualized accommodation plan may be in place and may need to be reviewed to ensure it still meets the needs of the employee
- existing accommodations may not fully address all barriers and may need to be adjusted

### What can you do to meet this requirement?

Provide reasonable accommodations when requested while offering career development, training or reassigning roles. Accommodations can help remove barriers and ensure fair access to opportunities.

Review existing accommodations if an employee is moving into a new role or facing changes in their job. Adjustments may be needed to better support their performance or address evolving medical needs.

- **Transfer accommodation plans when an employee is reassigned.** Ensure continuity of support and check whether the plan includes medical information. If it does, get the employee's consent before sharing it with others.
- **Plan for accessibility in training programs.** If you're developing or outsourcing training, ask in advance whether any participants require accommodations. If requested, share course materials ahead of time to allow for preparation or adaptation.
- **Use inclusive recruitment and promotion practices.** Ensure internal job postings, interviews and selection processes are accessible to all employees, including those with disabilities.
- **Offer flexible learning formats.** Provide training in multiple formats (e.g., written, audio, video, live sessions) to accommodate different learning needs.
- **Keep employees informed.** Let employees know about upcoming changes or opportunities well in advance so they can request accommodations if needed.
- **Support supervisors with training.** Equip managers with the knowledge and tools to recognize accommodation needs and respond appropriately during career transitions.
- **Monitor and follow up.** After a reassignment or training, check in with employees to ensure accommodations are still effective and make adjustments as needed.

## Return to Work Process

When an employee returns to work after being away due to a temporary, permanent or episodic disability, it's essential to ensure the transition is smooth, respectful and inclusive. Manitoba's Accessible Employment Standard Regulation requires all employers to have a clear policy outlining how they will support employees in returning to work and the process for providing reasonable accommodations for employees returning to work. This process must be guided by [The Workers Compensation Act](#), where applicable, and should reflect the organization's commitment to accessibility and inclusion.

The return to work policy should provide a description of the process that will be followed to determine the accommodations necessary for a safe and healthy return to work. This typically involves modifying and graduating employee duties and hours at work, according to their abilities. It is recommended that the process identify who, within the organization, will be the employee's main point of contact when they are off work and preparing to return to work.

## What can you do to meet this requirement?

Your organization must follow [The Workers Compensation Act](#), if applicable, when developing return to work policies and procedures to ensure legal compliance and protect both the employee and employer. A strong return to work policy should outline who will communicate with the employee, when and how communication will occur, and the steps that will be taken to assess and implement accommodations. Your organization should consider accommodations that remove barriers and support the employee's successful reintegration into the workplace. If the employee already has an individualized accommodation plan, it should be reviewed and updated, as their needs may have changed during their absence.

- **Start planning early.** Begin discussions about return to work as soon as it's medically appropriate, involving the employee, documentation from healthcare providers if needed, and any relevant representatives.
- **Use a collaborative approach.** Include the employee in planning their return and offer the option to involve a union representative or person who is knowledgeable in workplace accommodations, if desired by the employee.
- **Offer modified duties or flexible schedules.** Tailor the work to the employee's current abilities, based on medical advice.
- **Maintain open and respectful communication.** Keep in touch during the employee's absence and provide updates about workplace changes or expectations.
- **Ensure privacy and consent.** If the accommodation plan includes medical information, obtain the employee's written consent before sharing it with others.
- **Train supervisors.** Make sure managers understand the return to work process and how to support employees with disabilities effectively.
- **Document the process.** Keep a written record of the return to work plan, including accommodations provided and any follow-up actions.
- **Monitor and adjust.** After the employee returns, check in regularly to ensure the accommodation is working and make changes if needed.

Returning to work after a disability-related leave can be a sensitive and complex transition. A well-planned return to work process helps employees reintegrate safely and confidently, while ensuring employers meet their legal obligations under the Accessible Employment Standard Regulation and, where applicable, [The Workers Compensation Act](#).

## Example Step-by-Step Process

A structured return to work process helps employee's transition back safely and successfully after an absence due to injury or disability. The following steps outline best practices for planning and supporting a positive return to work experience for the employee.

### Step 1: Assign a Return to Work Coordinator and Maintain Communication

Designate a staff member to oversee the return to work process. This person should maintain respectful and ongoing communication with the employee during their leave and throughout their transition back to work. Early and consistent contact helps build trust and ensures the employee feels supported.

### Step 2: Assess the Employee's Functional Abilities

Before planning the employee's return, request a Functional Abilities Form from their healthcare provider. This form outlines what tasks the employee can safely perform. Focus on abilities rather than limitations.

### Step 3: Confirm Abilities with the Workers Compensation Board (WCB), if applicable

If the leave is related to a workplace injury, the WCB will receive medical reports directly from the healthcare provider. Employers do not receive these reports but must confirm the employee's functional abilities with the WCB to ensure alignment with the return to work plan.

### Step 4: Develop and Document the Return to Work Plan

Use the information from the abilities assessment to create a tailored plan that supports the employee's safe and productive return. This plan should include:

- modified duties or hours, if needed
- a timeline for reintegration
- any required accommodations
- roles and responsibilities of those involved

### Step 5: Monitor and Adjust the Plan

Once the employee returns, check in regularly to ensure the plan is working. Be prepared to adjust duties or accommodations as the employee's condition evolves.

Visit [Workers Compensation Board of Manitoba](#) to learn more about the Return to Work Process.

## Emergency Response Information

Emergencies can affect everyone, but employees with disabilities may face a variety of barriers that require thoughtful planning and support. Even individuals who do not need accommodations for their regular job duties may need help during an emergency. For example:

- an employee with asthma or a compromised immune system may be more vulnerable during a pandemic
- an employee with a heart condition may not be able to descend multiple flights of stairs

- an employee with anxiety may freeze or panic at the sound of an alarm

Ensure safety for all, with Manitoba's Accessible Employment Standard Regulation. It requires employers to create individualized emergency response information for employees with disabilities and to maintain confidentiality when sharing that information.

Employers must not share an employee's emergency response information with others without the employee's consent. If an employee would need assistance in the event of a workplace emergency, the employer should ask if the employee's individualized emergency response information can be shared with a designated person who would help during an emergency.

### What can you do to meet this requirement?

To ensure the safety of all employees during emergencies, provide individualized emergency response information for those with temporary, permanent or episodic disabilities who may require assistance. Invite employees to self-identify if they need help and obtain their consent before sharing this information with designated helpers. Emergency plans should be reviewed and updated whenever an employee changes work locations, when the organization's emergency procedures are modified or when the employee's accommodation needs are reassessed.

- **Use a proactive approach.** Don't wait for an emergency. Always plan ahead by reviewing your building's evacuation procedures and identifying potential barriers.
- **Engage employees in planning.** Employees with disabilities are the experts on their own needs. Involve them in creating their emergency response plans.
- **Train designated helpers.** Ensure that coworkers who agree to assist during emergencies understand their role and respect confidentiality.
- **Make emergency information accessible.** Use formats such as large print, audio, Braille or electronic documents. Provide communication supports like captioning or sign language if needed.
- **Practice emergency drills inclusively.** Include employees with disabilities in drills and ensure their emergency plans are tested and refined.
- **Maintain privacy.** Emergency response information must be kept confidential and only shared with consent.

Refer to the [Workplace Emergency Response Information Toolkit](#) on [AccessibilityMB.ca](#) for more information about planning for emergencies.

## Privacy: Maintaining Employees' Privacy

Respecting employee privacy is essential to building trust and ensuring compliance with Manitoba's accessibility and privacy laws. Employees may share personal or health-related information when requesting accommodations.

Under the Accessible Employment Standard Regulation, employers must safeguard personal and health information collected for the purpose of providing accommodations. This includes following the rules set out in the Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Act (PHIA), which governs how personal and health information is collected, used and shared in Manitoba.

### What can you do to meet this requirement?

Collect, use and disclose personal and health information only as needed to meet the requirements of the Accessible Employment Standard Regulation.

Request employee consent before using or sharing their information for any other purpose, such as promoting your organization's accessibility practices.

- **Limit access to sensitive information.** Only managers or HR staff who need the information to support the employee should have access.
- **Secure physical and digital records.** Lock paper files in cabinets and use password-protected systems for electronic records.
- **Use consent forms.** Clearly explain why information is being collected and how it will be used. Ensure employees understand and agree before sharing.
- **Avoid unnecessary details.** When discussing accommodations, focus on functional needs rather than medical diagnoses.
- **Train staff.** Make sure supervisors and Human Resources personnel understand privacy obligations under FIPPA and PHIA.
- **Review and update privacy practices regularly.** Ensure your organization's policies stay current with legislation and best practices.
- **Respect employee autonomy.** Allow employees to decide whether they want to disclose a disability or request accommodations.

## Training

Training is a key part of creating accessible and inclusive workplaces. Under Manitoba's Accessible Employment Standard Regulation, employers must ensure that staff involved in employment-related decisions understand how to remove barriers and support employees with temporary, permanent or episodic disabilities. This includes knowing how to provide accommodations, communicate respectfully and comply with relevant legislation.

Training helps build awareness, reduces stigma and ensures that employees with disabilities are treated fairly throughout the employment journey—from recruitment to retirement.

### **Who must be trained:**

Training must be provided to all employees who:

- recruit, select or train other employees
- manage, supervise or coordinate other employees
- promote, redeploy or terminate employees
- develop or implement employment policies and practices

### **Training must include how to:**

- make employment opportunities accessible to people with disabilities
- communicate respectfully with people disabled by barriers
- interact with individuals who use assistive devices, support persons or service animals

### **Training must also include a review of:**

- The Human Rights Code (Manitoba)
- The Accessibility for Manitobans Act
- The Accessible Employment Standard Regulation

Employees should receive this training as soon as relevant roles are assigned or whenever related policies or practices are updated or changed.

### **What can you do to meet this requirement?**

Your organization must provide training to employees involved in hiring, managing, promoting or developing employment policies or practices. The training must include making employment accessible, communicating with people with disabilities and supporting those using assistive devices or service animals. Training must also include a summary of The Human Rights Code (Manitoba), The Accessibility for Manitobans Act and the Accessible Employment Standard Regulation.

To help assist organizations the Manitoba Accessibility Office has developed accessibility training modules. These modules can be accessed on-demand by anyone in the province. Organizations may use these accessibility modules or create their own training. Access the free training modules on [AccessibilityMB.ca](https://www.accessibilitymb.ca).

- **Use real-life examples.** With consent, include stories or experiences from employees with disabilities to make training relatable and impactful.

- **Partner with experts.** Consider working with local disability organizations for training and consultation. Visit [MB.211.ca](http://MB.211.ca) and select People with Disabilities for a list of Manitoba-based resources.
- **Make training accessible.** Offer materials in multiple formats (e.g., large print, audio, captioned video) and provide communication supports as needed.
- **Encourage discussion.** Use group learning formats to promote dialogue and reflection. This helps participants apply the training to their own roles.
- **Evaluate and improve.** Collect feedback after training sessions and update content regularly to reflect new legislation, tools and best practices.
- **Include refresher training.** Offer periodic updates to reinforce learning and ensure ongoing compliance.

## Documentation: Keeping Written Records

Under Manitoba's Accessible Employment Standard Regulation, large organizations and organizations in the public sector are required to keep written records of their policies, practices and measures regarding accessible employment. A large employer is defined under the Accessible Employment Standard Regulation. [View the definition as listed under the regulation.](#)

Smaller organizations are encouraged to document their accessible employment policies voluntarily to support training, planning and decision-making. All employers are required to establish and implement measures policies and practices respecting accessible employment regardless of their organization's size.

### Accessible employment policies should include:

- how your organization removes barriers to hiring processes
- a summary of training content and when training is provided
- how your organization removes barriers that may impact an employee's performance or opportunities for training and advancement
- an outline of the return to work process for employees who have been off work due to a disability or injury
- any processes related to the development of individualized accommodation plans
- how an employee can request information in an accessible format or communication support
- any processes related to workplace emergency response for employees disabled by barriers
- how your organization maintains employee privacy and protects personal information, including personal health information

**For Individualized Accommodation Plans, large employers must include the following information in their written policy:**

- how an employee can request an individualized accommodation plan for an employer
- that the employee and their accommodations will be assessed individually
- that the employer can request an evaluation of the employee by a health professional work or expert in workplace combinations to help determine what accommodations are required
- that the employee may be represented by their bargaining agent or a person who is knowledgeable on workplace accommodations for people with temporary or permanent disabilities
- details of how often the plan will be updated and that it can be reviewed or updated earlier at the request of the employee
- that the employer must provide a copy of the plan and an accessible format if requested
- that if a request for accommodations is denied the employer must provide written reasons why they denied the request
- details of how the employee's personal information and personal health information will be protected at all times

## **Large Employers Return to Work Process Requirements**

Large employers must establish and implement a Return to Work Policy for employees who have been absent from work due to a temporary, permanent or episodic disability. The policy must outline any reasonable accommodations that will be in place when the employee returns to work.

Smaller employers do not need to have a documented Return to Work Policy, but they do need to have a process for accommodating employees who have been off work due to a disability or medical condition.

This policy or documentation must include a description of the process that will be followed when determining accommodations to facilitate an employee's return to work.

Organizations that are required to document accessible employment policies must make these documents available to the public and in accessible formats, upon request.

## **What can you do to meet this requirement?**

Documenting your organization's accessible employment policies and practices is more than a compliance requirement. It is a best practice that promotes transparency, consistency and continuous improvement.

Written records help ensure that accessibility efforts are not only implemented, but sustained over time. They also make it easier to communicate your organization's commitment to inclusion.

- **Create a centralized accessibility file or portal.** Store all accessibility-related documents in one place, digitally or physically, so they are easy to access and update.
- **Write in plain language.** Plain language policies are easier for all employees to understand.
- **Use accessible formats.** Ensure documents are made available, upon request, in formats such as large print, audio, Braille or electronic versions compatible with screen readers.
- **Include version control.** Track updates to policies and training materials to ensure staff are using the most current information.
- **Review and update regularly.** Schedule periodic reviews of accessibility policies and training content to reflect changes in legislation, technology, or workplace practices.
- **Engage employees with disabilities.** Involve staff in reviewing and improving policies to ensure they reflect lived experiences and practical needs.
- **Document feedback and improvements.** Keep a record of feedback received from employees or the public and note any changes made as a result.

## Compliance and Enforcement

[Manitoba's Accessibility Compliance Secretariat](#) is responsible for monitoring compliance with The Accessibility for Manitobans Act and its regulated accessibility standards.

Audits to determine compliance with requirements under the Accessible Employment Standard Regulation will take place. In addition, the Accessibility Compliance Secretariat receives and reviews complaints from members of the public who believe an organization may not be complying with accessibility requirements.

When these audits and reviews are conducted, the aim is to provide organizations with constructive feedback, share information about the regulation and, if applicable, issue concrete plans to achieve compliance.

If this approach is ineffective, activities may be escalated to include sanctions, such as orders to comply and the charging of administrative monetary penalties.

## Compliance Dates

All Manitoba organizations with one or more employees were required to comply with the Accessible Employment Standard Regulation by May 1, 2022.

## Accessible Employment Tools and Resources

Additional resources related to the Accessible Employment Standard Regulation are available on the [Manitoba Accessibility Office website](#).

## **Glossary**

### **Accessibility**

Related to The Accessibility for Manitobans Act, accessibility means giving people of all abilities opportunities to participate fully in everyday life. Accessibility refers to the ability to access and benefit from a system, service, product or environment.

### **Accessible or Alternate Formats**

Information provided or presented in another manner than originally presented to remove a barrier. This can include large print, recorded audio and electronic formats, Braille and other formats usable by people with disabilities.

### **Accessible Employment Standard Regulation**

The Accessible Employment Standard Regulation builds on the existing requirements of the Human Rights Code (Manitoba). It applies to paid employees who are full-time, part-time, apprentices or seasonal workers. It addresses practices relating to employee-employer relationships, including measures, policies and practices related to the recruitment, hiring and the retention of employees.

### **Applicant**

An applicant is a person who applies for employment.

### **Barrier**

A barrier is anything that interacts with a disability in a way that may hinder a person's full and effective participation in society on an equal basis.

### **Career Development**

Training is a core component of career development. It is the process of an individual learning new skills or improving their knowledge, so that they can better perform their job duties or advance their career. It is usually based on merit or seniority or a combination of both. It can involve increasing the responsibilities within an employee's current position or in a position at a higher level in the organization, usually for a higher rate of pay.

### **Communication support**

A support used to facilitate effective communication by or with a person disabled by a barrier. Examples of communication supports include captioning, alternative and augmentative communication supports and sign language.

## Individualized Accommodation Plan

An individualized accommodation plan is a formal way of recording and reviewing the reasonable accommodations that will be provided to an employee with a disability to remove barriers in the workplace.

The individualized accommodation plan must document details about any accessible formats or communication supports to be used when providing information to the employee, workplace emergency information provided to the employee, any other reasonable accommodations to remove workplace barriers, and when and how reasonable accommodations will be provided.

## Large Employer

A large employer is defined under the Accessible Employment Standard Regulation. [View the definition as listed under the regulation.](#)

## Performance Management

Any process used by an employer to manage the work of individual employees or to plan, monitor and review an employee's work objectives and overall contribution to the employer's organization. For example, an annual performance review.

## Reasonable Accommodation

Reasonable accommodation often involves adjusting a rule, policy, practice or physical space to allow changes to the way things are usually done to remove a barrier. For the purposes of the Accessible Employment Standard Regulation, an accommodation is reasonable if it is required for an applicant to access the materials or activities used in the hiring process, or is required for an employee to perform their employment responsibilities or access the benefits available to them, and would not result in undue hardship to the employer.

## Redeployment

The process of moving an employee from one role or department to another within the same organization, often to avoid layoffs or fill a vacant position. The goal of redeployment is to retain talent by moving workers to areas where they can add the most value. Reassigning an employee to a different role or position within an organization can also be a way to provide reasonable accommodations.

## Service Animal

Defined by The Human Rights Code (Manitoba), a service animal is trained to assist a person with a disability. The work or task a service animal has been trained to perform must be directly related to a person's disability. Animals that provide comfort and

companionship, but are not trained to assist with a person's disability, are not service animals.

## **Support Person**

A support person is someone who accompanies a person with a disability and aids when required. They may support the individual with a disability in obtaining, using or benefiting from a good or service provided by an organization. They may also assist the individual with a disability in addressing their communication, mobility, personal care or medical needs.

## **Undue Hardship**

Undue hardship is related to the concept of reasonable accommodation. Reasonable accommodation requires organizations to take responsibility for an accommodation, including bearing the costs up to the point of demonstrable undue hardship. Undue hardship may be met when there are extreme costs or significant health and safety risks to provide an accommodation. Inconvenience, preferences or some costs do not usually qualify as undue hardship.

## Contact Information

If you have any questions or require this information in an alternate format, please contact the Manitoba Accessibility Office:

### Manitoba Accessibility Office

630 - 240 Graham Avenue

Winnipeg, MB R3C 0J7

**Phone:** 204-945-7613 | **Toll-free:** 1-800-282-8069, Ext. 7613

**Email:** MAO@gov.mb.ca

**Website:** AccessibilityMB.ca

If you have any questions about compliance, please contact the Accessibility Compliance Secretariat:

### Accessibility Compliance Secretariat

Second Floor – 114 Garry Street

Winnipeg, MB R3C 4V4

**Phone:** 204-792-0263

**Email:** [AccessibilityCompliance@gov.mb.ca](mailto:AccessibilityCompliance@gov.mb.ca)

Revised December 2025