

# **Frequently Asked Questions: The Accessibility Standard for Employment**

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## The Accessibility Standard for Employment

### 1. What is the Accessibility Standard for Employment?

The Accessibility Standard for Employment is the second standard under The Accessibility for Manitobans Act (AMA). The standard became law on May 1, 2019, and its purpose is to identify, remove and prevent barriers that affect Manitobans who are working or are looking for work.

### 2. Does my organization need to meet the requirements of the Accessibility Standard for Employment?

If your business or non-profit organization has one or more employees in Manitoba, you must meet the requirements of the Accessibility Standard for Employment.

- **Businesses** include shops, restaurants and hotels, and legal, healthcare and other professional services.
- **Non-profit organizations** include charities, unions, churches, community organizations and member associations.

To learn how you can meet the requirements of the law, please see the [Employers' Handbook on the Accessibility Standard for Employment](#).

### 3. What are the deadlines for employers to meet the accessibility needs of people with disabilities on the job?

As of May 1, 2020, all public, private and non-profit employers must:

- Have plans in place to keep employees with disabilities safe during a workplace emergency.

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- Ask employees who require assistance during an emergency to share that information with other individuals in the organization who have agreed to help.

The other requirements have various deadlines:

- **The Manitoba government** has acted as a leader by meeting requirements within one year, by May 2020.
- **Large Public sector organizations** had a May 2021 deadline. These include Crown corporations, regional health authorities, school divisions, colleges, universities, Manitoba's 10 largest municipalities and government agencies.
- **Private sector, non-profit organizations and small municipalities** have a deadline of May 2022. These include Manitoba businesses and organizations with one or more employees, such as shops, restaurants and professional services, as well as non-profit organizations. Non-profits include charities, churches, community organizations and member associations.

#### 4. What are the requirements of the Accessibility Standard for Employment?

The Accessibility Standard for Employment asks all employers to have policies and practices to meet the accessibility needs for job applicants and employees. Requirements include:

- Meeting the accessibility needs of potential workers who may be looking for employment with your organization;
- telling job applicants about employment policies and practices to meet the accessibility needs of people who apply to work at your organization;

- considering employment barriers that may affect employees' performance or career development;
- developing and putting in place plans to meet an employees accessibility needs on the job and at an employee's request;
- sharing information about policies and practices related to employment accessibility with employees, and making sure this information is available in accessible ways or through help with communication, upon request;
- putting in place a return-to-work policy for employees who have been off the job because of a disability or injury, including a process to make sure accessibility needs are met if these are required;
- keeping employees safe during an emergency; and,
- training human resources, management and supervisors about accessible employment and related laws.

## **5. Who benefits from the Accessibility Standard for Employment?**

Employers and people with disabilities will benefit.

- People with disabilities are not hired as often as they might be. In 2017, Statistics Canada estimated that there were nearly 645,000 Canadians with a disability ready to work.
- Employees with disabilities can request what they need to do their work and employers have the information they need to help them.
- Employees with disabilities usually stay in jobs longer, reducing recruitment and training costs for employers.

- A diverse workforce contributes to innovation and customer loyalty, and it creates awareness and sensitivity to employee needs in the employment sector.

## **6. Does the Accessibility Standard for Employment make organizations that must meet the requirements of the standard hire people with disabilities?**

No, the Standard does not take away an employer's right to hire the person who is most suited and qualified for the job. Rather, the standard removes barriers that may make it harder for people with disabilities to be successful when applying for jobs.

## **7. How can employers help employees with disabilities stay safe during a workplace emergency?**

The Accessibility Standard for Employment requires employers to offer:

- **Workplace Emergency Response Information**  
Create emergency response information to help employees with disabilities stay safe during emergencies.
- **Workplace Emergency Assistance**  
Ask employees who require assistance during an emergency for permission to share information with individuals who agree to help.

A good first step is to reach out to all employees and then privately follow up with individuals who need assistance. At that time, you can discuss their needs and develop an [individualized emergency plan](#) together.

Some examples are:

- An accountant who uses a power wheelchair works on the sixth floor of an office building. Since the building's elevators automatically stop working in a fire, the person's employer consults the local fire department and determines a safe location where he can wait for assistance to evacuate the building.
- An employee with low vision works in the call centre of a large insurance company. The employee and their employer identify two coworkers (one acting as first contact and another as backup if the first is away) to guide the way to the exits when all people in the building are asked to leave. The employee agrees to the assistance and the emergency plan is shared with the two coworkers who agree to help.

## **8. Does our organization's emergency plan also need to consider non-employees, such as customers, clients, volunteers or students with disabilities?**

The requirements of the Accessibility Standard for Employment apply only to paid employees of an organization.

The Human Rights Code (Manitoba) is broader and forces service providers to ensure they are providing services in a way that does not encourage discrimination. This means that if an emergency happens, the organization should be prepared to respond to the various needs of the people using their services. For more information, please visit the [Manitoba Human Rights Commission](#).

## **9. What is reasonable accommodation?**

The Accessibility Standard for Employment requires employers to provide reasonable accommodation for people with disabilities. Employers and

employees share responsibility to try to find the right answers that address barriers in the workplace. Failing to meet accessibility needs is a form of discrimination.

Most workplace changes offer a different way to do things, often by making small changes that cost little or nothing. Reasonable accommodation makes things equal for people with disabilities, improves job performance and makes workplaces healthier for everyone. For example, a retail cashier tells her employer that since her knee replacement surgery, she has difficulty standing for long periods. The employer meets her needs by enabling her to sit while doing her job.

Workplace change is reasonable if it is necessary for an employee to do their work or makes advantages available to employees. It is reasonable if it does not result in undue hardship to the employer, such as safety risks to other staff or proof of significant costs.

## **10. What if a business or organization cannot afford the cost of meeting an accessibility request?**

Manitoba's Human Rights Code and the Accessibility Standard for Employment do not force employers to do things they simply cannot do. If current or potential employees request something your business or organization cannot afford, you may wish to discuss other choices that cost less and that you can afford. If you believe the request is unreasonable, you may wish to contact the [Manitoba Human Rights Commission](#) for more information on your requirements under the Code.

## **11. Can I ask employees about their disabilities, or request medical information that proves they have a disability?**

Employees' health information or diagnosis is a private matter that they do not need to share with their employer. Discussions about accessibility

needs should look at how the employee's disability might affect whether they can do their job. For example, an employer may ask how the employee's disability might affect how they do their job, or about their specific restrictions or needs, and how they might recover from a disability or injury.

The [Manitoba Human Rights Commission](#) says that the employer can ask for some medical information to back up requests for accessibility needs. The amount of medical information asked for should be determined by how significant the accessibility need is. For example, employees who request a short time away from work would usually not have to provide as much medical information as employees who require a permanent change to their

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job. In some cases, you must get the permission of the employee to gather information from their health care provider.

Employers may also request an independent assessment about an employee from a health professional, or other professional in the area of workplace accessibility needs for persons with disabilities. The assessment may help find out whether a workplace accessibility need is required, or how best to meet this need. It is the employer's responsibility to pay for the assessment.

## **12. Does the employer have a responsibility to provide a workplace accessibility need if the employee does not ask?**

If an employer believes an employee may have a disability and a change in how things are done would help them, the [Manitoba Human Rights Commission](#) says that the employer has a responsibility to discuss this with the individual.

Employees may not always be able to know they have a need or request accessibility changes in the workplace. This may include situations



involving mental health disabilities or addictions. In these cases, if an employer has reason to question, or should have recognized a need for a change, the employer may have to ask about whether the employee has a disability-related need requiring a different way to do something. Inquiries should focus on workplace performance expectations.

### **13. Who must receive training on the requirements of the Accessibility Standard for Employment?**

Employers must ensure they train staff with the following duties:

- recruiting, selecting or training employees
- supervising, managing or coordinating the work of employees
- promoting, redeploying or terminating employees
- developing and implementing employment policies and practices

### **14. What should the training include?**

The training must include:

- how to create accessibility in the workplace;
- how to communicate with individuals who use an assistive device or require a support person or service animal; and,
- a review of Manitoba's Human Rights Code, The Accessibility for Manitobans Act and the Accessibility Standard for Employment

To learn how to meet basic training requirements, please visit the Manitoba Accessibility Office's learning portal at [AMALearningMB.ca](https://AMALearningMB.ca).

## **15. Which employers must write down their employment policies?**

Not all employers are required to write down their organization's accessible employment policies and practices. However, many employers find this is the most convenient way to share information with employees, as required by the Accessibility Standard for Employment.

Organizations with 50 or more employees in Manitoba are required to write down all of their accessible employment policies and practices, including what is included in training and when training is provided. These employers must also write down the policy and process to create [Individualized Accommodation Plans](#).

The written information should be available in accessible ways, upon request.

## **16. Does meeting the requirements of The Accessible Employment Standard protect my business or organization from human rights complaints?**

No. While accessibility measures speak well of a business or organization, they do not rule out the possibility of discrimination as outlined in The Human Rights Code (Manitoba). The Human Rights Code is higher than all other provincial laws and regulations, unless specifically noted.

**For more information, or to request alternate formats:**

Visit **AccessibilityMB.ca** or contact:

**Manitoba Accessibility Office**

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Legal disclaimer: This information complements the application of the regulations under The Accessibility for Manitobans Act (AMA) and is not legal counsel. For certainty, please refer to the [AMA](#) and the [Accessible Employment Standard Regulation](#).