

New Accessibility Standard for Employment

By Melissa Beaumont



www.tdslaw.com



THOMPSON
DORFMAN
SWEATMAN

Member
LexMundi
World Ready

The Accessibility for Manitobans Act (AMA) was created to achieve an accessible society for all Manitobans disabled by a barrier. Over time, a number of standards will be enacted under the AMA to create accessibility obligations for organizations in areas such as customer service, employment, information & communications, the built environment and transportation.

On May 1, 2019, the Accessible Employment Standard Regulation came into force. It creates a general obligation on all employers to implement policies and practices to reasonably accommodate employees who are disabled by a barrier in the workplace.

Specific highlights of the Accessible Employment Standard include:

- Employers must tell job applicants that reasonable accommodation is available during the recruitment process.
- When offering employment, employers must inform successful applicants of the employer's accommodation policies.
- Employers must ensure that all performance management and career development processes take accessibility into account.
- Any employees responsible for recruiting, supervising, or managing employees must receive accommodation training.
- Employers must establish return to work policies, offer individual communication supports (like making documents available in accessible formats) and create individualized accommodation plans upon request from the employee.
- Employers must tailor emergency response plans to employees who may face special risks due to a disability and, with the employee's permission, share that information with someone in the organization who agrees to help that employee during an emergency.
- Employers with 50 or more employees must document their accessible employment policies and practices in writing, which must include a policy as to how the organization will create individual accommodation plans for employees.

Compliance with this standard will be phased in over the next several years:

- All employers must meet the emergency response plan requirement by May 1, 2020.
- Government must comply with all other requirements by May 1, 2020.
- Public sector employers and large municipalities must comply with all other requirements by May 1, 2021.
- Private sector employers (including non-profits) and small municipalities must comply with all other requirements by May 1, 2022.

While this means that many businesses will have 3 years to develop a compliance plan, it is never too early to start. We would be happy to assist you in developing your accessible employment policies.

PS - The Accessible Customer Service Standard creates an obligation for all organizations to provide accessible customer service. It had a compliance deadline of November 1, 2018. Did you miss it? Find out more about it in my previous article: <https://www.tdslaw.com/resource/did-you-miss-the-november-1-2018-deadline-to-implement-a-customer-service-accessibility-policy/>



DISCLAIMER

This article is presented for informational purposes only. The content does not constitute legal advice or solicitation and does not create a solicitor-client relationship. The views expressed are solely the authors' and should not be attributed to any other party, including Thompson Dorfman Sweatman LLP (TDS), its affiliate companies or its clients. The authors make no guarantees regarding the accuracy or adequacy of the information contained herein or linked to via this article. The authors are not able to provide free legal advice. If you are seeking advice on specific matters, please contact Keith LaBossiere, CEO & Managing Partner at kdl@tdslaw.com, or 204.934.2587. Please be aware that any unsolicited information sent to the author(s) cannot be considered to be solicitor-client privileged.

While care is taken to ensure the accuracy for the purposes stated, before relying upon these articles, you should seek and be guided by legal advice based on your specific circumstances. We would be pleased to provide you with our assistance on any of the issues raised in these articles.

ABOUT THE AUTHOR

Melissa Beaumont, Partner, Thompson Dorfman Sweatman



Phone: 204.934.2515 | Email: mdl@tdslaw.com | Web: www.tdslaw.com/mdl

Melissa practices in the areas of labour and employment law and human rights law. She has experience providing advice to both employees and employers, in both unionized and non-unionized contexts.