



## AP 1-312 – ACCESSIBLE EMPLOYMENT ADMINISTRATIVE PROCEDURE

### INTRODUCTION

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The intention of this policy and commitment of the Western School Division is to comply with the Accessibility Standard for Employment under *The Accessibility for Manitobans Act*. This policy applies to all policies, practices, and measures in order to reflect and ensure that the principles of dignity, independence, integration, and equal opportunity are in place for people with disabilities.

The ultimate goal is to identify and remove barriers within our organization. Where a barrier is impossible to remove, the Western School Division will seek reasonable accommodations for affected employees.

This policy applies to every person who acts on behalf of the Western School Division, whether the individual is an employee, agent, volunteer, or otherwise.

### DEFINITIONS

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**Accessible Formats:** include but are not limited to: accessible electronic formats, braille, text transcripts, large print, recorded audio, and other formats accessible to persons with disabilities.

**Communication Supports** – include but are not limited to: captioning, alternative and augmentative communication supports, plain language, sign language, and other supports that facilitate effective communications.

**Assistive Device:** a technical aid, communication device, or other instrument used to maintain or improve the functional ability of people with disabilities. Personal assistive devices are typically devices that members and guests bring with them, such as a wheelchair, walker, a personal oxygen tank, or anything that might assist in hearing, seeing, communicating, moving, breathing, remembering and/or reading.

**Barrier:** defined by the *Accessibility to Manitobans Act* as a long-term physical, mental, intellectual, or sensory impairment affecting an individual. A barrier is also anything that interacts with that impairment in a way that may hinder the person's full and effective participation in society on an equal basis.

### PRE-EMPLOYMENT & EMPLOYMENT ACCESSIBILITY

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#### 1. Remove barriers to the recruitment and selection process

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##### *Procedural Statement*

The Western School Division (WSD) will ensure that potential applicants are informed of reasonable accommodations available to people with disabilities during the recruitment and selection process. The WSD will consult with individuals upon receiving a request for accommodation and respond to all inquiries to provide reasonable accommodation.



Practices and Measures

The Western School Division will include a statement on all job advertisements to notify potential candidates that accommodations are available to applicants with disabilities. We will work with the applicant and utilize the best practices to provide reasonable accommodation where requested.

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**2. Communication of workplace accommodation**

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Procedural Statement

The Western School Division will notify successful applicants of the policies, procedures, and practices for accommodating employees with disabilities when making offers of employment and during new employee orientation. We will keep our employees updated on policy changes.

Practices and Measures

The Western School Division will include information regarding the policies and procedures used to support its employees with disabilities in the *Letter of Offer* for new hires. All relevant information will also be provided to new employees as soon as practicable during the new employee orientation and onboarding process.

The Western School Division is committed to providing information in a way that meets the needs of its employees with disabilities by communicating all updates regarding accommodation measures, practices, policies, and procedures. WSD will utilize multiple communication formats and methods, including but not limited to: accessible electronic formats, braille, text transcript, large print, recorded audio, and other access methods, to persons with disabilities. When information changes, the WSD will ensure that its employees are updated, and such changes are communicated in multiple ways such as: posting information on an internal site, public website, social media, newsletters, blogs, memos, and through staff emails.

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**3. Individualized accommodation request procedure and plan**

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Procedural Statement

The Western School Division has developed an *Accessibility Plan* that outlines the spirit and our commitment to provide accessibility for people with disabilities within our operation. WSD's *Accessibility Plan* contains a provision that allows individuals, and our employees, to submit an accommodation request. Upon request, the WSD will provide reasonable accommodation for employees with disabilities through the development of individualized plans. These individualized plans will be subject to review on a regular basis and over the course of employment.

Practices and Measures

The individualized accommodation plan will be developed and documented upon request from an employee with disabilities and will include the following aspects: accessible format and communication that supports the needs of the employee, workplace emergency response information, details regarding how and when any other accommodations are provided, and when the plan is reviewed. All requests will be assessed on an individual and



case by case basis. Documentation from a health practitioner that supports the need for accommodation may be requested. The employee who requests an accommodation plan will be encouraged to provide all relevant information and required to participate in the accommodation process by taking part in the following activities:

- assessment
- be collaborative with the direct supervisor in developing appropriate accommodation solution
- be in compliance with the developed individualized accommodation plan
- offering feedback related to modifications (including whether the accommodation is no longer required)

Supervisors will be required to review the agreed-upon schedule and accommodation plan with the employee on a regular basis. Supervisors will review and update individualized plans when: the employee's workplace is modified or relocated, responsibilities of the employee have changed, changes to the workplace have occurred that may affect the accommodation, the physical capabilities of the employee changes, or if the employee requests a review or update of the accommodation plan. Supervisors are required to respond to requests as soon as practicable and in a timely manner. Supervisors will make reasonable adjustments and accommodations in order to address any changes associated with the accommodation plan.

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

- The employee is capable of performing most of the job duties without accommodation.
- The independent regulated health care provider professional(s) does not support the employee's self-assessed requirement for workplace accommodation.
- Our research and evidence show that the accommodation request would cause undue hardship, such as creating a safety risk to the individual, other personnel, or a significant measurable financial burden.
- The functional limitation is a bona fide work requirement where the requested accommodation will not enable the employee to perform the job's essential functions.
- The employee's request for reasonable accommodation is primarily for non-disability reasons rather than because of a disability.

The Western School Division will maintain employee privacy regarding all accommodation requests, plans, and personal health information in compliance with current legislation and follow the Privacy Maintenance of the herein document.

## WORKPLACE EMERGENCY RESPONSE INFORMATION

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### Procedural Statement

Western School Division will advise all employees on what steps to take in the event of a workplace emergency to ensure the safety of temporarily or permanently disabled employees. We ensure our workplace emergency response information is specific to each individual's needs, while also taking into account the physical nature of an employee's workplace. Once we know an employee requires assistance during a workplace emergency, we will offer the employee an individual workplace emergency response plan within a reasonable time frame.



The workplace emergency response information provided is reviewed every time:

- The employee moves to a different workspace or location within the organization
- The employee's workspace is modified
- We are informed of any changes regarding an individual's disability (ie: a temporary disability no longer exists, etc.)
- Plans are reviewed, and changes are made that would affect the employee's response to an emergency in the workplace

Should an employee require the assistance of another person during an emergency, the Western School Division will obtain consent from the employee who will be assisting, and we inform that person on how to assist.

#### Practices and Measures

The Western School Division will inform its employees of the workplace emergency response information during orientation, along with the building emergency plans, and inquire of staff as to whether they need assistance during an emergency.

Regular review and discussion of general accessibility will be included in the Workplace Health and Safety Committee meeting agenda. Identification of the barriers will be part of the Workplace Health and Safety inspections.

During regular fire drills or emergency evacuation activities where an individual cannot descend the stairs in order to exit the building, the Western School Division will identify someone (with their permission) who will remain with that individual in a designated "safe" area. The proper means of communication will be established between the employees and the person in charge to ensure constant two-way contact during the emergency. The person acting as Fire Marshal notifies the fire department regarding the number and location of employees still remain in the building.

## CAREER DEVELOPMENT AND PERFORMANCE MANAGEMENT

#### Procedural Statement

The Western School Division will take into account the accessibility needs and/or individual accommodation plans of employees when:

- Using performance management processes
- Providing career development, training, and advancement opportunities
- Using transfer and reassignment

#### Career Development Practices and Measures

When the Western School Division provides career development and training, or internal advancement opportunities/reassignment, we ensure the process for selecting and recruiting candidates considers that an employee may be temporarily or permanently disabled by one or more barriers in the workplace. We take into consideration any individualized accommodation plan already in place or that one may need to be established as a result of career development or advancement opportunities. Our practices and measures are created to ensure that



workplace accommodations do not negatively affect access to career development for any employee with disabilities, to the best of our ability.

#### Performance Management Practices and Measures

The Western School Division utilizes a performance management system of reflective dialogue to ensure employees receive timely feedback and evaluation during performance reviews, where discussions of progress, new goals, and challenges occur. Existing, or newly required workplace accommodations, including individualized accommodation plans and emergency assistance, will be part of the discussion and subject to review with staff.

Health and Safety is a subject for review during a performance appraisal with Western School Division employees, including following policies and procedures, meeting expectations, and adhering to accommodation plans and emergency protocols. Should an employee require human resource interventions due to not following the established WSD policies and procedures, the Western School Division will implement a progressive disciplinary action plan while considering whether there is a connection between concerns about job performance and workplace barriers, before addressing an issue.

## STAFF TRAINING

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#### Procedural Statement

The Western School Division provides training to its staff on how to accommodate employees with a disability throughout their employment, including but not limited to: recruiting, selecting and training employees, supervising, managing or coordinating employee's work activities, promoting, redeploying, reassigning or terminating, and developing and implementing new employment practices and policies.

The Western School Division develops and provides the training that includes the following content:

- How to make employment opportunities accessible to people with disabilities
- How to interact and communicate with applicants or employees who face barriers, use assistive devices, or are assisted by a support person or service animal
- An overview of our accessibility information, policies, plans, and *The Accessibility for Manitobans Act, The Human Rights Code* (Manitoba), and the *Accessible Employment Standard*

#### Practices and Measures

The Western School Division trains its employees and managers as soon as reasonably possible. New employee training includes the overview of accessible employment policy and practices and accommodation process. WSD communicates refresher training and policy updates to staff on a regular basis.



## RETURN TO WORK / MODIFIED LIGHT DUTIES PROGRAM

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### Procedural Statement

The Western School Division is committed to providing a safe and healthy working environment for employees who are (or have been) absent from work due to a disability or health condition and who require a reasonable accommodation in order to return to work.

### Practices and Measures

The Western School Division will communicate with all parties involved to determine reasonable accommodation and provide meaningful work to the affected employee, within modified light duties or alternative work that are safe and within the employee's functional abilities. The program's goal is to assist an employee with gradually returning to work to their full capacity.

## PRIVACY MAINTENANCE

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### Procedural Statement

The Western School Division adheres to the requirements outlined in the legislation that addresses individual privacy rights, such as *The Freedom of Information and Protection of Privacy Act* of Manitoba and *The Personal Health Information Act* of Manitoba. The Western School Division respects and protects the privacy and confidentiality of its employees as well as the employee's personal health information. WSD only collects, uses, and discloses the information required for the purposes of the *Accessibility Standard for Employment* unless otherwise agreed to by the employee.

### Practices and Measures

The Western School Division follows proper protocols when storing confidential employee information, including but not limited to: confidential forms, locking file storage, levels of security "permissions" required for human resources and managers to access personal health information.

## RECORD KEEPING

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### Procedural Statement

The Western School Division keeps a written record of its accessibility and training policies, procedures, and training materials. These documents include a summary of the training material's content and the date when the training was offered. WSD staff, managers, and the public are made aware of the Western School Division's policies and procedures. Along with other related information, these policies are available upon request, in a format accessible for the user.



*Practices and Measures*

The Western School Division will inform the public and its staff regarding accessibility through training, policies/procedures, the WSD website, social media accounts, newsletters, job postings, advertising of events, and posters. Information will be distributed to all WSD locations and will be located in offices and entrances. WSD provides all relevant information within a reasonable timeframe, and in a format that meets the needs of individuals with a disability, at no additional cost.

Reference:

*The Accessibility for Manitobans Act (CCSM C A1.7)*  
*The Accessibility for Manitobans Act – Customer Services Standard Regulation*  
Respect for Human Diversity and Equity Education  
Canadian Charter of Rights and Freedoms  
Manitoba Human Rights Code  
Public Schools Act  
Sample Accessible Employment Policy For Public Sector Organizations – Disabilities Issues Office (DIO)  
Employer's Handbook on the Accessibility Standard for Employment

**Adopted:** December 4, 2020

**Next Review:** December 2022