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| <b>OPERATING POLICY<br/>&amp; PROCEDURES MANUAL</b>        | <b>SECTION:</b> 3.18<br><b>SECTION TITLE:</b> Human Resources<br><b>SUBJECT:</b> Accessible Employment |
| <b>Authorized by:</b> Catherine Skinner<br>President & CEO | Signature:   |
| <b>Effective Date:</b> May 1, 2021                         | <b>Revised:</b> November 28, 2024  |

**This policy will be provided in an accessible format on request, within a reasonable timeframe and at no cost to the person who makes the request.**

**To request a copy of this policy in an alternate format please contact the Accessibility Coordinator at ext. 4323 or [WCBAccessibility@wcb.mb.ca](mailto:WCBAccessibility@wcb.mb.ca).**

### **STATEMENT OF COMMITMENT**

The Workers Compensation Board of Manitoba (WCB) recognizes that individuals with disabilities may face barriers that prevent them from full and effective participation in the workplace on an equal basis.

The WCB is committed to removing or reducing barriers faced by job applicants and employees with disabilities by providing them with reasonable accommodation.

### **PURPOSE**

This policy describes how the WCB meets its obligations under the *Accessible Employment Standard Regulation* (Accessible Employment Standard). This policy includes information about the WCB's obligations to:

- reasonably accommodate job applicants and employees who face barriers due to disability;
- inform job applicants and employees about the WCB's accommodation policies and practices;
- communicate with employees disabled by barriers using accessible formats and communication support.
- develop individualized accommodation plans for employees disabled by barriers and provide them with workplace emergency response information.
- take barriers that temporarily or permanently disable employees into account during the performance management process, the delivery of career development training and in internal advancement opportunities.
- help employees return to work when they have been absent due to an injury, illness or disability and ensure they are reasonably accommodated upon their return.

### **SCOPE**

This policy applies to all prospective and current employees of the WCB.

## POLICY

### I. Definitions

When interpreting this policy, the following definitions apply:

**Accessible format** -- means a format of information that is used to facilitate effective communication by or with a person disabled by a barrier, and includes large print, recorded audio, electronic formats and braille.

**Accommodation** – is an adjustment that an employer makes to working conditions, duties, policies, rules, practices, programs or the physical work environment to address the work-related needs of prospective or current employees who are disabled by barriers.

**Barrier** - for a person who has a physical, mental, intellectual or sensory disability, a barrier is anything that interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis.

**Communication support** - means a support used to facilitate effective communication by or with a person disabled by a barrier, and includes sign language, captioning, and augmentative and alternative communication supports.

**Performance management processes** --mean any processes used by an employer to manage the work of individual employees or to plan, monitor and review an employee's overall contribution to the organization.

**Personal information** -- means recorded information about an individual. Examples include the individual's name, home address, telephone, e-mail, age, gender, sexual orientation, marital status, ancestry, race, colour, religion, health, criminal history and any other identifying number or symbol assigned to the individual.

**Personal health Information** --includes information about an identifiable individual that relates to the individual's health or health care history, the provision of or payment for health care to the individual, and any other identifying number assigned to an individual collected in the course of providing health care.

### II. Obligations

The Accessible Employment Standard requires the WCB to provide **reasonable accommodation** to job applicants and employees who are disabled by barriers.

An accommodation is reasonable if it does not result in undue hardship to the WCB and:

- is required for an applicant to fully participate in the recruitment, selection and assessment process; or
- is required for an employee to perform their job and access benefits available to them.

Accordingly, a request for accommodation is reasonable when it is **necessary** for a job applicant or employee to fully and effectively participate in the recruitment and selection process, or in the workplace, on an equal basis, and **does not result in undue hardship to the WCB**.

For an accommodation to constitute undue hardship, the WCB must demonstrate that there are no further reasonable or practical steps available to remove or reduce the negative impacts, arising from barriers, on an employee disabled by barriers.

The WCB will consult internally with its Human Resources Department before refusing an accommodation request on the basis that it is unnecessary or would result in undue hardship.

While accommodation is primarily the responsibility of the WCB, all relevant parties must participate in the accommodation process. In the case of a unionized employee who requests union involvement, this includes the Canadian Union of Public Employees Local 1063 (CUPE Local 1063). The accommodation process does not guarantee parties their preferred type of accommodation. All parties must work together, engaging in a meaningful dialogue, to arrive at a reasonable accommodation.

Unless otherwise specified in the policy, Human Resources will be responsible for informing job applicants and employees, in writing, when their requests for accommodation have been denied.

#### **A. Accessibility When Recruiting and Selecting Employees**

The WCB will inform applicants, in all job postings, that reasonable accommodations are available on request.

If an applicant requests an accommodation, the WCB will consult with the applicant to determine how to reasonably accommodate the applicant.

If the accommodation is reasonable, the WCB will ensure it is in place during the selection and assessment process. Human Resources will be responsible for coordinating the accommodation and informing the interview panel, if required.

When making an offer of employment, the WCB will include information about its policies and practices for accommodating employees in the workplace.

#### **B. Accessibility During Employment**

##### **Inform employees about accommodation policies and practices**

The WCB will inform employees about its policies and practices for accommodating employees disabled by barriers, and update employees when these policies or practices change.

Any changes to this policy will be communicated by email and on the internet.

## **Provide information to employees in accessible formats and /or with communication support**

The WCB will make all reasonable efforts to communicate with employees disabled by barriers in a manner that takes those barriers into account.

Employees disabled by barriers may request that the WCB communicate with them using an accessible format and/or communication support. Employees should submit these requests either verbally or in writing to their direct leaders, who will consult with the employee to determine what type of accessible format or communication support is necessary.

When the request is complex, direct leaders may ask Human Resources to assess the request, and determine how to reasonably accommodate the applicant.

Once it has been determined that the accessible format and/or communication support is reasonable, the WCB will ensure that the appropriate format and/or support is used continuously when providing information to that employee.

## **Provide Individualized Accommodation Plans (IAPs)**

The WCB will develop and implement Individualized Accommodation Plans (IAPs) for employees upon request.

### **(a) Contents of an IAP**

An IAP documents:

- any accessible formats and communication supports the WCB will use in providing information to the employee;
- any Workplace Emergency Response Plan (WERP) the WCB develops for the employee; and
- any other reasonable accommodation the WCB will make to address the barriers that disable the employee, including the manner and timing of the accommodation.

### **(b) Requests for Accommodation and Assessment of Accommodation Needs**

Employees should submit their requests for accommodation, verbally or in writing, to their direct leaders or to Human Resources.

Once a request for accommodation has been received, Human Resources will assess the employee's accommodation needs on an individual basis.

Employees are required to provide the WCB with relevant information and take part in assessments to assist the WCB in assessing their accommodation needs.

Employees may be required to provide the WCB with documentation from a health practitioner who supports the need for accommodation. They may also be required to undergo an evaluation by an independent regulated health practitioner or other practitioner in the area

of work place accommodations for employees with disabilities. Where the WCB requests an independent evaluation, the WCB will cover the costs of the assessment.

Once it has been determined that accommodation is necessary, the WCB will work with the employee to develop and implement an IAP.

### **(c) Developing and Implementing an IAP**

Human Resources is primarily responsible for developing and implementing IAPs. It will work with leaders, employees, and other relevant parties to create and execute IAPs that are tailored to employees' individual needs and circumstances.

Employees may request assistance in the development of IAPs, including assistance from:

- a representative of CUPE 1063 (if applicable); or
- a person who is knowledgeable in the area of workplace accommodations for persons disabled by barriers.

### **(d) Denying a Request for an IAP**

When the WCB makes the decision to deny an employee's request for an IAP, it will provide the employee with written reasons for its decision.

### **(e) Employee Responsibilities for an IAP**

Employees must:

- comply and perform their work in accordance with the accommodation plan;
- provide feedback to the employer with respect to the requirements of the accommodation plan; and
- communicate with the employer if modifications to the plan are needed or accommodation is no longer required.

### **(f) IAP Reviews**

Formal reviews of an employee's IAP will take place as scheduled in the plan. A formal review will also be initiated if the employee's workspace is modified or relocated, if the employee's responsibilities change, or the employee makes a request to review and update the plan.

### **(g) IAP Provided in an Accessible Format**

On request of an employee, a copy of the employee's IAP will be provided in an accessible format. These requests should be directed to HR

## **Provide Workplace Emergency Response Plans (WERPs)**

When the WCB becomes aware that an employee who is disabled by barriers may require assistance in a workplace emergency as a result of those barriers, the WCB will develop a WERP for them. Human Resources is primarily responsible for creating and maintaining WERPs.

Employees who face special risks or challenges in responding to workplace emergencies as a result of the barriers that disable them should contact their direct leaders or Human Resources to request a WERP.

The WERP will contain information on how the employee should respond to a workplace emergency, and the steps the WCB will take to assist them.

If an employee requires assistance of another person in the event of a workplace emergency, the WCB may, with the employee's consent, provide information in the WERP to the person designated to assist them. The WCB may also provide the information to designated WCB safety personnel with consent.

The WERP will be reviewed by the WCB each time the employee is moved to a different workspace, their workspace is modified, or the WCB reviews and changes its general emergency response plans.

## **Manage performance**

The WCB will ensure its performance management processes take into account:

- that employees may be disabled by one or more barriers in the workplace;
- the employee's IAP (if any); and
- that accommodations provided to employees with disabilities may not fully address the barriers that disable them.

Leaders must be sensitive to how they manage performance, including discipline, to ensure that it is free of discriminatory conduct.

Leaders must not tie the employee's need for an accommodation to an assessment of their job performance.

Leaders should consult Human Resources if they are unsure how to rate performance for employees with disabilities or require assistance with the WCB Performance and Development Document.

## **Provide opportunities for career development training and internal advancement**

When providing opportunities for career development training and internal advancement, the WCB will ensure that its processes take into account:

- that employees may be disabled by one or more barriers in the workplace;

- the employee's IAP (if any); and
- that accommodations provided to employees with disabilities may not fully address the barriers that disable them.

All communications regarding training, including emails advertising upcoming training and the Learning Authorization Form, will advise that reasonable accommodation is available, upon request.

If an employee requests an accommodation, the WCB will consult with the employee to determine how to reasonably accommodate them.

If the accommodation is reasonable and relates to career development training, the WCB Department responsible for the training will coordinate the accommodation and ensure it is in place during the training.

If the accommodation is reasonable and relates to internal advancement opportunities or processes, Human Resources will coordinate the accommodation and ensure that it is in place during the advancement opportunity or process.

### **Put return to work processes in place**

The WCB is committed to providing a safe and healthy work environment for employees who have been absent from work due to a disability or health condition and require reasonable accommodations to return to work.

WCB Corporate Policy 3.11, *Disability Management*, outlines the process that the WCB follows when facilitating return to work for employees who have been absent due to a disability. This includes the development of individualized return to work plans, when required.

The WCB's primary goal is to return the employee to their original position in the organization. This often involves offering gradually increased, modified, or alternate duties that are meaningful and remain within the employee's functional abilities.

Once a return to work plan has been put in place for an employee, it will be reviewed regularly to determine if additional resources are required to facilitate a full return to original duties. The plan will be updated as required.

### **Provide Training**

Training on how to accommodate employees who are disabled by barriers will be provided to staff with the following responsibilities:

- Recruiting, selecting, or training employees.
- Supervising, managing, or coordinating the work of employees.
- Promoting, re-deploying or terminating employees.

- Developing and implementing employment policies and procedures.

Training will be provided as soon as reasonably practicable after a person is assigned the applicable duties. Ongoing training will also be provided in connection with any changes to the employer's accessible employment policies or practices.

The content of the training will include instruction about:

- How to make employment opportunities accessible to people who may be disabled by barriers in the workplace.
- How to interact and communicate with employees who face barriers, use assistive devices, or are assisted by a support person or service animal.
- The Code, the AMA, and the Accessible Employment Standard.
- WCB's accessible employment policies and procedures.

### **Maintain Privacy**

The WCB protects the privacy and confidentiality of its employees' personal information and personal health information, and will only collect, use and disclose the minimum amount of information required to fulfil its obligations under the Accessible Employment Standard, unless the employee consents to the use or disclosure.

Any information personal or personal health information provided for the purposes of accommodation will be stored separately from the employee's personnel file in a locked location.

### **III. References:**

*The Accessibility for Manitobans Act, CCSM c.A1.7*

*Accessible Customer Service Standard Regulation, Man Reg 171/2015*

*Designated Public Sector Bodies Regulation, Man Reg 122/2015*

*Accessible Information and Communication Standard Regulation, Man Reg 47/2022*

### **History:**

1. Policy 3.18 Accessible Employment was passed effective May 1, 2021.
2. The President and CEO approved the revised policy 3.18 on November 28, 2024, effective immediately to ensure that the policy complied with all requirements of the *Accessibility for Manitobans Act* and associated regulations.