

## UNIVERSITY OF MANITOBA PROCEDURE

<b>Procedure:</b>	<b>EMPLOYEE ACCESSIBILITY</b>
<b>Parent Policy:</b>	Accessibility
<b>Effective Date:</b>	May 1, 2021
<b>Revised Date:</b>	
<b>Review Date:</b>	May 1, 2031
<b>Approving Body:</b>	Administration: President
<b>Authority:</b>	Accessibility Policy
<b>Responsible Executive Officer:</b>	Vice-President (Administration)
<b>Delegate:</b>	Associate Vice-President (Human Resources)
<b>Contact:</b>	Associate Vice-President (Human Resources)
<b>Application:</b>	Employees, Volunteers, contractors, suppliers

### Part I Reason for Procedure

- 1.1 To set out procedures secondary to the *Accessibility* policy in connection with supporting and promoting the employment of persons who are or may be disabled by one or more barriers in the workplace.
- 1.2 The University promotes diversity, inclusion, and accessibility in its programs, employment opportunities, and in the conduct of the University's affairs. The University supports the incorporation of Indigenous and other cultural protocols, processes and understandings in the application of this Procedure.

### Part II Procedural Content

#### Definitions

- 2.1 The terms below have the following defined meanings for the purpose of this Procedure:

- (a) **"Employee"** means an individual holding an appointment with the University in one or more of the groups or categories identified in the *Employee Organizations and Employment Groups* policy and procedure.
- (b) **"Human Resources"** means the branch of Human Resources responsible for providing expertise and assistance to University departments, managers/supervisors, and Employees generally on the University's employee accessibility policies, procedures, and practices, including requests for reasonable accommodation and return-to-work (RTW) processes.
- (c) **"Personal Health Information"** has the same meaning as defined in section 2.1(c) of the University's *Access and Privacy* policy.
- (d) **"Personal Information"** has the same meaning as defined in section 2.1(d) of the *Access and Privacy* policy.
- (e) **"Policy"** means the *Accessibility* policy.
- (f) **"Procedure"** means this *Employee Accessibility* procedure.
- (g) **"RTW"** means "Return to Work".
- (h) **"Volunteer"** means anyone who, without compensation and without expectation of compensation beyond reimbursement of expenses, performs a task at the direction of and on behalf of the University. Volunteers, unless specifically stated otherwise herein, shall not be considered as Employees of the University. Employees of the University may enter into an agreement to provide volunteer services, provided that these services are unrelated to their regular employment duties.
- (i) **"Workplace Capabilities Form"** is a University of Manitoba form created by Human Resources for completion by an Employee's attending medical practitioner in order to identify an Employee's overall functional abilities and work restrictions to assist his/her return to suitable work.

## Recruitment

2.2 When recruiting Employees, the University will:

- (a) inform potential applicants of the availability of reasonable accommodation for those who may be disabled by a barrier in respect of the assessment or selection process; and
- (b) inform applicants that, on request, reasonable accommodations may be available for those who may be disabled by a barrier in respect of the materials or activities used in the assessment or selection process.

- 2.3 When an applicant makes a request for accommodation, the University will:
- (a) Consult with the applicant to determine the reasonable accommodations for the barrier or barriers that are identified;
  - (b) Provide, or arrange for the provision of those reasonable accommodations when carrying out the assessment or selection process;
  - (c) Provide documented reasons to the applicant if the requested accommodation is denied in accordance with section 2.16 of this Procedure.
- 2.4 When offering employment, the University will inform the selected applicant of this Procedure and will direct the selected applicant to Human Resources for additional information on the University's measures, policies and practices for accommodating Employees disabled by one or more barriers in the workplace.

### **Training**

- 2.5 The University will provide training to Employees, Volunteers, contractors, and suppliers of the University regarding accessibility and accommodations. Such training may be provided through online courses, in-person training, and/or unit-specific training.
- 2.6 Managerial and supervisory staff have a responsibility to ensure that their directly reporting Employees, Volunteers, contractors, and suppliers have received appropriate accessibility and accommodation training as required by their respective positions and duties, including:
- (a) Accessible customer service training for Employees, Volunteers, contractors, and suppliers who interact with students and/or the public as a representative of the University; and
  - (b) Accessible employment training for Employees, Volunteers, contractors, and suppliers who, on behalf of the University, are responsible for:
    - (i) Recruiting, selecting, or training Employees or Volunteers;
    - (ii) Supervising, managing, or coordinating Employees or Volunteers;
    - (iii) Promoting, redeploying, or terminating Employees or Volunteers; or
    - (iv) Developing and implementing the University's employment policies and practices.
- 2.7 Managerial and supervisory staff must confirm and document the completion of accessibility training requirements for their directly reporting Employees and Volunteers:

- (a) as part of the Employee's and Volunteer's onboarding process;
- (b) as soon as reasonably practicable after the person is assigned a new position or new duties;
- (c) as soon as reasonably practicable in connection with changes to the University's measures, policies, and practices respecting accessible employment; and
- (d) as part of the Employee's or Volunteer's performance review.

2.8 Managerial and supervisory staff must confirm and document the need for and completion of accessibility training requirements for their directly reporting contractors and suppliers as part of the contract for services.

### **Individualized Accommodation Plan for Employees**

#### Request to Manager/Supervisor

2.9 An Employee who is disabled by a barrier in respect of performance of their duties may request an individualized accommodation plan by informing their manager/supervisor of the need for an accommodation and the extent of that need.

2.10 Upon being informed of the need for an accommodation, the manager/supervisor must take reasonable steps to:

- (a) Listen to and consider the needs of the Employee seeking reasonable accommodation and their suggestions for reasonable accommodation;
- (b) Consult with Human Resources and their HR Consultant regarding the request;
- (c) Obtain information from the Employee to assist the University in assessing the request, in accordance with sections 2.13 and 2.14 of this Procedure;
- (d) Consider the request in accordance with section 2.15 of this Procedure; and
- (e) Develop, document, and implement an individualized accommodation plan for the Employee in accordance with section 2.18 of this Procedure and subject to sections 2.16 and 2.17 of this Procedure.

2.11 Possible accommodations will be assessed on an individual basis.

#### Employee Assistance

2.12 The Employee can request the following persons to assist in the development of the individualized accommodation plan on the Employee's behalf:

- (a) If the Employee is represented by a union, a representative of the Employee's union or a person who is knowledgeable in the area of workplace accommodations for persons disabled by barriers;
- (b) If the Employee is not represented by a union, a person who is knowledgeable in the area of workplace accommodations for persons disabled by barriers.

### Required Documentation

- 2.13 Subject to sections 2.30 and 2.31 of this Procedure and in accordance with *The Freedom of Information and Protection of Privacy Act (Manitoba)* and *The Personal Health Information Act (Manitoba)*, the Employee must provide to the manager/supervisor or to Human Resources all relevant supporting documentation that the University reasonably requires in order to confirm the need for accommodation, including any medical reports or reports by other practitioners in the area of workplace accommodations for persons disabled by barriers.
- 2.14 The University may request that an evaluation of the Employee be done by an independent regulated health professional or other practitioner in the area of workplace accommodations for persons disabled by barriers, in order to assist the University in determining if reasonable accommodation is required. Any such evaluation will be at the University's expense.

### Considerations

- 2.15 In consultation with the Employee, Human Resources, and the HR Consultant, the manager/supervisor must consider:
- (a) potential modifications to existing job duties for the Employee, which may include potential reorganizing of duties or other positions;
  - (b) what will be communicated to the Employee's co-workers about the individualized accommodation plan, balancing the Employee's right to privacy with the co-workers' need to have information to enable them to support the Employee's reasonable accommodation, in accordance with section 2.30 of this Procedure and *The Freedom of Information and Protection of Privacy Act (Manitoba)* and *The Personal Health Information Act (Manitoba)*;
  - (c) whether the requested accommodation can be implemented without undue hardship to the University, based on evidence rather than anecdotal or impressionistic assumptions.
- 2.16 The University may deny a requested accommodation on the basis of undue hardship or on the basis that another reasonable accommodation is available. If several possible reasonable accommodations are available without undue

hardship to the University, the University will consult with the Employee requiring accommodation to determine the best available option in the circumstances.

- 2.17 Where the University denies the Employee's request for an individual accommodation plan, the University will provide documented reasons for the denial to the Employee.

#### Requirements of Individualized Accommodation Plan

- 2.18 The manager/supervisor will provide a copy of the individualized accommodation plan to the Employee, to Human Resources, and to the HR Consultant with the following information:

- (a) any reasonable accommodation that the University will implement to address any barriers that disable the Employee;
- (b) any accessible formats and communication supports to be used in providing information to the Employee;
- (c) any workplace emergency response information that the University must provide to the Employee;
- (d) the manner and timing within which the individualized accommodation plan is to be implemented; and
- (e) the frequency with which the individualized accommodation plan will be reviewed and updated.

- 2.19 Individual accommodation plans will be provided in an accessible format where requested by the Employee.

#### Review of Individualized Accommodation Plan

- 2.20 The manager/supervisor and Human Resources will review an Employee's individual accommodation plan:

- (a) At such intervals as identified and documented in the individualized accommodation plan under section 2.18(e) above;
- (b) When the Employee's workspace is modified or relocated;
- (c) When the Employee's responsibilities are changed;
- (d) When the manager/supervisor, Human Resources, or the HR Consultant becomes aware of any other changes that impact the accommodation required; and
- (e) At the Employee's request.

- 2.21 The manager/supervisor, Human Resources, and the HR Consultant will review the individualized workplace emergency response information when:
- (a) The Employee's overall accommodation needs or individual accommodation plan is reviewed;
  - (b) The Employee moves to a different workspace;
  - (c) The Employee's workspace is modified; and/or
  - (d) The unit and/or the University reviews its general emergency response policies and makes changes that would affect the Employee's response to an emergency in the workplace.

### Employee Obligations

- 2.22 The Employee must, in good faith, cooperate in the establishment and implementation of the Employee's individualized accommodation plan, including:
- (a) Providing any relevant information that may assist the University in the assessment of the accommodation request, including any medical reports or reports by other practitioners in the area of workplace accommodations for persons disabled by barriers;
  - (b) Complying with the accommodation plan and performing their work in accordance with the accommodation plan;
  - (c) Providing feedback to the employer with respect to the requirements of the accommodation plan;
  - (d) Participating in and cooperating with accommodation efforts on an on-going basis, including communicating with the Employee's manager/supervisor and with Human Resources if modifications to the individualized accommodation plan are requested or if accommodation is no longer required; and
  - (e) Participating in an evaluation of the Employee, in accordance with section 2.14 of this Procedure, in order to assist the University in determining what reasonable accommodation is required.

### **Additional Return to Work (RTW) Procedures**

- 2.23 Where an Employee has been absent from work due to a disability and requires reasonable accommodation in respect of one or more barriers that might disable the Employee upon returning to work, the following steps will be taken:
- (a) The Employee must obtain the written recommendations of their attending medical practitioner regarding their capabilities and any requirement for

modified duties and/or hours. A Workplace Capabilities Form may be obtained from Human Resources and provided to the attending medical practitioner for completion.

- (b) The Employee must submit supporting medical documentation to their manager/supervisor and/or Human Resources as soon as possible.
- (c) In most cases, a RTW planning meeting will be required in order to develop a reasonable accommodation plan, which may include the Employee, union representative, manager/supervisor and Human Resources in attendance. Depending on the circumstances and subject to consultation with Human Resources, arrangements may be made to have the Employee commence modified duties prior to the RTW planning meeting.

2.24 In some cases, an Employee may require temporary accommodations during the period of recuperation from injury or illness until a full return to regular work is possible. In these situations, the University will explore reasonable transitional return-to-work opportunities, which may include workstation modifications and/or changes to the work activities. The following options will be considered:

- (a) Temporarily modifying the tasks of the Employee's usual job;
- (b) Temporarily providing an alternate job, task, function or combination of functions or tasks; and/or
- (c) Temporarily modifying the hours of work to allow for graduated return-to-work.

2.25 Situations may arise where the Employee will not be capable of returning to regular work activities due to the nature of the injury or illness. If it is unlikely that the Employee will be capable of returning to their former position in a reasonable time, the University will consider the possibility of:

- (a) Permanently modifying the tasks required in the Employee's usual job;
- (b) Permanently providing an alternate job, provided that the alternate job is meaningful, productive, reasonable and in accordance with operational requirements of the University.

2.26 In considering accommodation plans, whether temporary or permanent, the University will consider return to work options in the following order and in accordance with any applicable collective agreement:

- (a) Return to existing job;
- (b) Return to existing job with modifications;
- (c) Return to another job within existing classification;



- (d) Return to another job with modifications within existing classification;
  - (e) Return to another job outside of existing classification;
  - (f) Return to another job with modifications outside of existing classification;
  - (g) Return to another job outside of existing Employee group;
  - (h) Return to another job with modifications outside of existing Employee group.
- 2.27 The University recognizes that where an alternate job is considered, additional training may be required to facilitate job transfers. The University will consider and address any training requirements as part of the accommodation plan.
- 2.28 Once an Employee has been granted reasonable accommodation as part of a RTW process, an individualized accommodation plan will be documented in accordance with this Procedure and there will be ongoing review of the Employee's progress by Human Resources.

### **Reasonable Accommodation Fund Assistance**

- 2.29 The University will maintain a fund through Human Resources in order to assist University departments with the costs of Reasonable Accommodations.

### **Privacy Obligations**

- 2.30 An Employee's Personal Information and Personal Health Information is to be appropriately protected at all times and must be collected, used, and disclosed in accordance with the University's *Access and Privacy* policy and procedure and the University's *Records Management* policy and procedure, and any applicable collective agreements.
- 2.31 Individuals should consult with the University's Access and Privacy Office if they have any questions or concerns regarding the privacy obligations relating to Personal Information and Personal Health Information under this Procedure.

## **Part III Accountability**

- 3.1 The Office of Legal Counsel is responsible for advising the Vice-President (Administration) that a formal review of this Procedure is required.
- 3.2 The Associate Vice-President (Human Resources) is responsible for the implementation, administration and review of this Procedure.
- 3.3 Employees, Volunteers, contractors, suppliers are responsible for complying with this Procedure.

## **Part IV Review**

- 4.1 Governing Document reviews shall be conducted every ten (10) years. The next scheduled review date for this Procedure is May 1, 2031.
- 4.2 In the interim, this Procedure may be revised or repealed if:
- (a) the Vice-President (Administration) deems it necessary or desirable to do so;
  - (b) the Procedure is no longer legislatively or statutorily compliant;
  - (c) the Procedure is now in conflict with another Governing Document; and/or
  - (d) the Parent Policy is revised or repealed.

## **Part V Effect on Previous Statements**

- 5.1 This Procedure supersedes all of the following:
- (a) Reasonable Accommodation in Employment (Disabilities) policy and procedure (November 18, 2008);
  - (b) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
  - (c) all previous Administration Governing Documents on the subject matter contained herein.

## **Part VI Cross References**

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) [Accessibility](#) policy;
  - (b) [Access and Privacy](#) policy and procedure;
  - (c) [Employee Organizations and Employment Groups](#) policy and procedure;
  - (d) [Records Management](#) policy and procedures;
  - (e) [Respectful Work and Learning Environment](#) policy;

- (f) [The Accessibility for Manitobans Act](#);
- (g) [The Freedom of Information and Protection of Privacy Act](#) (*Manitoba*);
- (h) [The Human Rights Code](#) (*Manitoba*);
- (i) [The Personal Health Information Act](#) (*Manitoba*)
- (j) [Collective Agreements](#);
- (k) [Accessibility Hub](#)