

## 1. Purpose

- 1.1. Assiniboine is committed to fostering a welcoming culture that facilitates the inclusion and integration of employees and applicants living with disabilities within the college community.
- 1.2. This policy reflects our commitment to identifying, removing and preventing barriers to full occupational participation of persons with permanent or temporary disabilities, and affirms our responsibilities and commitments under *The Human Rights Code (Manitoba)* to provide reasonable accommodations based on human rights related needs and *The Accessibility for Manitobans Act* to proactively create a more accessible environment for all.
- 1.3. All applicants and employees have the right to be treated with dignity and respect, to have their privacy and confidentiality protected, and to receive reasonable accommodations to the point of undue hardship.
- 1.4. This policy will outline responsibilities and commitments with respect to both accessibility requirements under the *Accessibility Standard for Employment* and reasonable accommodation processes. This policy applies from application through all stages of employment.
- 1.5. Accessibility and reasonable accommodations may require collaboration with applicants, employees, the Manitoba Government Employee's Union (MGEU), medical providers and the college.

## 2. Definitions

- 2.1. **Active Offer** is a proactive and inclusive approach to ensuring equitable access to services, resources, or opportunities. It involves actively reaching out to individuals or groups who may require assistance or accommodation due to language barriers, disabilities, or other factors. This approach prioritizes engagement, communication, and the removal of barriers to participation, aiming to empower individuals to fully exercise their rights and access available services or opportunities. "How may I help you?" is the best question to ask when assessing need.

2.2. **Accessible Employment Practices** refers to creating and implementing hiring and employment practices that remove barriers to full opportunity often experienced by those living with a disability.

2.3. **Reasonable Accommodations** are any adjustment, change or modification to workplace expectations that are related to documented needs of an employee. Reasonable accommodations are related to needs associated with a protected characteristic, as identified under The Human Rights Code (Manitoba):

- ▶ ancestry;
- ▶ nationality or national origin;
- ▶ ethnic background or origin;
- ▶ religion;
- ▶ age;
- ▶ sex,
- ▶ gender identify;
- ▶ sexual orientation,
- ▶ marital or family status;
- ▶ source of income;
- ▶ political belief;
- ▶ disability or
- ▶ social disadvantage.

2.4. **Discrimination (under The Human Rights Code)** encompasses differential treatment based on protected characteristics which results in a negative impact. Failing to reasonably accommodate identified special needs related to a protected characteristic is a form of discrimination.

2.5. **Undue Hardship** is the threshold up to which accommodations must be offered. Undue hardship is determined on a case-by-case basis. The following elements may be considered when determining if providing accommodation would cause undue hardship: cost, health and safety, or significant impacts on the occupational requirements.

### 3. Scope

This policy applies to all applicants and college employees, encompassing regular, term, casual, contract, and volunteer positions.

### 4. (Pre)Employment Accessibility

4.1. An active offer is included on all job postings to inform applicants that they can identify accessibility/accommodation needs at any point in the application process.

- 4.2. If an accommodation request has been made during the recruitment process, the Staffing Advisor or designate will consult with the applicant so that a reasonable accommodation can be put in place. Required documentation, if any, will be assessed by the Staffing Advisor on a case-by-case basis.
- 4.3. All interviewed applicants are informed about Assiniboine's Accessible Employment & Reasonable Accommodation Policy and practices.
- 4.4. All successful candidates are advised of their right to initiate an accommodation process in their letter of offer.
- 4.5. Information about this policy is provided during organizational onboarding.
- 4.6. Onboarding information provides employees with information on how to create an Individual Evacuation Plan to assist with any medical need. Medical documentation or diagnosis are not required to establish this plan.

## 5. Reasonable Accommodations

- 5.1. Human Resources is responsible for requesting supporting documentation and developing reasonable accommodation plans. The reasonable accommodation process requires the collaboration of the college, the MGEU, medical practitioners (or other relevant professionals) and the employee.

## 6. Employee's Responsibilities

Employees are required to:

- 6.1. Notify the college promptly of the need for reasonable accommodation.
- 6.2. Provide relevant medical and other information to assess the accommodation request.  
NOTE: a diagnosis is not required. Accommodations related to disability related needs are related to functional limitations or restrictions.
- 6.3. Collaborate in identifying and implementing reasonable accommodation plans.
- 6.4. Try reasonable accommodation plans.
- 6.5. Update information on accommodation needs.
- 6.6. Continue to collaborate and cooperate with reasonable requests from human resources, recognizing that the process may be ongoing and require adjustments.

## 7. Human Resources Responsibilities

Human Resources will:

- 7.1. Review employee requests for reasonable accommodation.
- 7.2. Request reasonable supporting medical (or other relevant) documentation.
- 7.3. Verify the need for accommodation and identify possible accommodations in collaboration with the employee, manager and other relevant parties.
- 7.4. Maintain confidentiality of employee information as per the Personal Health and Information Act.
- 7.5. Implement a reasonable accommodation promptly and will notify relevant managers and other parties of the plan, as necessary.
- 7.6. Review plans to ensure relevancy, as determined on a case-by-case basis.
- 7.7. Notify the employee with an explanation if the threshold of undue hardship has been reached.

## 8. Union's Responsibilities

Employees who are MGEU members, may request union representation for assistance during an accommodation process.

If requested by the employee, Human Resources will collaborate with the MGEU and the employee to identify reasonable accommodation solutions that meet the documented need, to the point of undue hardship.

## 9. Procedure

Reasonable accommodation processes will begin when:

- 9.1. An Employee discloses medical needs and/or initiates the accommodation process with their manager or Human Resources. If this process is started with a manager, the manager will contact Human Resources. Human Resources will take the lead in requesting relevant documentation and implementing reasonable accommodations.
- 9.2. Human Resources or the Manager becomes reasonably aware that an employee may require an accommodation. In these instances, Human Resources will have a conversation with the employee and may request reasonable medical information.

## 10. Monitoring

The Director of Human Resources monitors accommodation implementations for effectiveness and ongoing necessity.

## 11. Reasonable Accommodation Appeals

11.1. Employees may appeal accommodation plans and seek review from the Director of Human Resources.

11.2. At any point, employees or the Director of Human Resources may forward the complaint to the Respectful College Coordinator to investigate under the Respectful College Policy M10.

11.3. Employees who fall under the Collective Agreement may file a grievance and pursue complaint mechanisms should they feel that Assiniboine has failed to reasonably accommodate their needs, relating to a protected characteristic.

11.4. Note: The Supreme Court of Canada has confirmed that labour arbitrators retain exclusive jurisdiction over Human Rights matters (including failure to accommodate) that arise, in their essential character, from the interpretation, application, or alleged violation of the Collective Agreement.

11.5. Employees who are out of scope, may contact The Manitoba Human Rights Commission to pursue complaint options should they believe that Assiniboine has failed to reasonably accommodate their needs, relating to a protected characteristic under *The Manitoba Human Rights Code*.

## 12. Education & Training

To meet the Accessibility for Manitobans Act Standards, training and education for all staff is required. To support this, the following education and training opportunities are available:

- **For Hiring Managers:** Training in accessible hiring and reasonable accommodations practices is provided by Human Resources.



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- **For All Staff:** Training on the standards under the Accessibility for Manitobans Act can be completed via the colleges Moodle platform or other relevant sources, like the Accessibility for Manitobans Learning Portal.

### 13. Relevant Legislation

*The Human Rights Code (Manitoba)*  
*The Accessibility for Manitobans Act*  
*Freedom of Information and Protection of Privacy Act*

### 14. Related Policies, Procedures, And Institutional Documents

*Collective Agreement*  
*Article 7 "No Discrimination/Respectful Workplace*  
*Article 47 "Grievance Procedure"*  
*Respectful College Policy M10*  
*Workplace Violence Policy M13*  
*Customer Service Policy M16*  
*HRG-2 Competition Process*

July 15/24

Date

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President