Access Advisory Committee • Comité Consultatif Sur L'Accèss Aux Installations
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December 18, 2017

Province of Manitoba
Disabilities Issues Office
Attention Mr. John Wyndels
630-240 Graham Avenue
Winnipeg, MB R3C 0J7

Dear John:

Thank you for the invitation to participate in responding to Recommendations from the Accessibility Advisory Council to the Minister of Families regarding the (AMA) Standard for Employment.

The City of Winnipeg Access Advisory Committee agrees to lend our energies in providing insight and input throughout the consultation process. Lending support in assuring a strategic standard that will work for everyone, and resulting in a strategy that will be inclusive of all basic rights of persons with disabilities is one of our core strategic objectives.

The progressive removal of all barriers in the key areas of Customer Service, Employment, Information and Communication, Transportation, and the Built Environment through the efforts of establishing workable and functional standards in these key areas will enhance our commitment to provide for a complete and inclusive community.

Again, we will support your mandate, and offer you our synergies throughout the consultation periods over the next few years to solidify the foundation of core principals and the systemic change that is required to endure the test of time.

Our position paper will begin with the assumption that with a detailed posting complete with a proper Job Description, Scope of Duties to be highlighted, and qualifications required; the successful candidate will have qualified for the position with justification and should have had equal consideration for the job placement through the normal vetting process. We won't go into the statistics and the impacts and positive benefits of employing persons who live with a disability at this time, nor will we discuss the rights of persons living with a disability to a fair and equal competition. We believe that The Province of Manitoba as well as Barrier Free Manitoba have illustrated this nicely.

We have reviewed your recommendations for the Employment Standard and offer the following for your consideration.

1. We believe that the Recommendations for an Accessibility Employment Standard with particular reference to the Definitions Category - We feel that there are too many escape clauses and lacking for access to details. However, we do understand that in any standard there needs to be a simplicity and general succinctness in its brevity; so we propose that there is a link included for the Employer to visit a more expanded supporting document that is more descriptive and detailed in each of the definitions, eliminating any confusion in the terminology. Terms like…….

    a. Undue Hardship. How do we quantify the hardship and who gets to decide?
    b. Reasonable Accommodations. What is it, and who gets to choose what they are? We feel that you presented this well.
    c. Experts….. who are they and who selects them to be part of the Accommodation Plan design team.?. Employers may use their own "Experts" but may not be to the agreement of the Employee.

d. Accessible Formats are immense in number and how they impact the user. A detailed list of examples may be more important on the educational side, rather than only listing one or even the most common. Your wording should not use the word “MAY”……. *Accessible Formats – For example includes but not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities. * This is where we would suggest a link for an expanded list of alternative Accessible Formats.*

2. The Access Advisory Committee feel strongly that the Employer's responsibilities should also extend to “non-paid positions”. “Non- Paid” work provides work experience for such people as lawyers or teachers who are conducting their practicum in order to get accredited but must do so without pay which ultimately leads to paid employment in the future. This is differentiated from Volunteers. As well the non- paid worker interacts as a front line representative for many organizations, and should be included as part of the scope of requirements

3. The Access Advisory Committee concurs with the Schedule and timelines recommendations, we believe that it is consistent with the other standards adopted and the future standards being proposed.

4. The Access Advisory Committee concurs with Section 4 recommendations.

5. The Access Advisory Committee concurs with Section 5 with the re-wording of 5.1 as: *During the recruitment, employers shall notify their employees and the public about their policies on reasonable accommodation for applicants disabled by barriers using “Accessible Formats”.*

6. The Access Advisory Committee concurs with Section 6 with a minor wording of 6.1 *When a candidate has been selected to participate in an assessment process, the employer shall notify the candidate that reasonable accommodations are available upon request in relation to the mutually agreeable assessment process.*

7. The Access Advisory Committee concurs with Section 7.

8. The Access Advisory Committee concurs with Section 8 with the following minor wording of *8.2 Employers shall provide information required under this section to new employees within their probationary period.* The use of practicable is too vague…

9. The Access Advisory Committee concurs with Secton 9.

10. The Access Advisory Committee concurs with Section 10 with one comment. In item 10.c we believe that the outside expert is mutually agreed on. Some employers retain the services of outside experts because they are in partnership with other firms with similar interests. As example is the Workers Compensation system. We feel strongly that the outside expert is mutually agreed upon. As well, we believe Privacy is of utmost importance and 10.e should be emphasized……it just seems to be lost in the conversation.

11. The Access Advisory Committee concurs with Section 11.

12. The Access Advisory Committee concurs with Section 12, however we feel that there should be better quantitative measurement of the quality and completeness of the training expected.

13. The Access Advisory Committee concurs with Section 13.

14. The Access Advisory Committee concurs with Section 14.

Thank you for the opportunity to provide you with further input on the discussion of the Employment Standards. We feel that the message in the standard must be concise, descriptive, and attainable in order to build in the success of buy-in on all levels and the teeth to actually manage/assure the Employment Standard is functional.

As part of the on-going conversation we feel that there should be a revisit of the AMA legislation in regards to "Penalty and Enforcement". We feel the use of "May" indicates an escape clause that opens the door for non- compliance and abuse. We also believe that the use of the term "May" historically takes away the teeth of the legislation and the intent of the Act.

Yours sincerely,

Chris Sobkowicz
Co-ordinator
City of Winnipeg Access Advisory Committee

Cc: Ross Eadie - Chair