ACCESSIBLE EMPLOYMENT STANDARD

Procedure Name: Accessible Employment Standard	**Procedure Number:** AP 818A
Section: Human Resources / Foundations	**Effective Date:** September 2026
Legal Cross-References: AMA; AESR (M.R. 70/2019); Human Rights Code; FIPPA; PHIA	**AP Link:** Policy 233 – Accessible Customer Service

Statement of Intent:

Swan Valley School Division (SVSD) is committed to meeting the requirements of the Accessible Employment Standard Regulation (AESR) under The Accessibility for Manitobans Act. The Division is dedicated to ensuring equal access, participation, and a barrier-free work environment founded on the core principles of dignity, independence, integration, and equal opportunity. SVSD will identify, prevent, and remove accessibility barriers at all stages of the employee lifecycle—from recruitment and hiring through career development and retention, up to separation and return-to-work. Where an accessibility barrier cannot be physically removed, the Division will consult with the individual and provide reasonable accommodations up to the point of undue hardship.

1. Pre-Employment Accessibility (Recruitment & Selection)

To ensure fair, inclusive, and barrier-free hiring, the Division implements standard accessibility measures throughout the pre-employment stage, encompassing recruitment, selection, and job offers.

1.1. Removing Barriers to Recruitment and Selection

The Division actively informs potential applicants and applicants that reasonable accommodations are available upon request during the recruitment and selection process. This is accomplished by:

- **Job Posting Notice:** Including a mandatory statement on all job advertisements, postings, and portals that reasonable accommodations are available to applicants with disabilities, and that the Division will seek their advice on how best to accommodate their needs.
- **Interview Communication:** When making interview arrangements verbally or in writing, the Division will explicitly inform applicants that reasonable accommodations are available during the selection processes.
- **Collaborative Consultation:** When an applicant has requested an accommodation during the selection process, the Division will consult directly with the applicant to identify their specific barriers and determine the most appropriate accommodation to be put in place for the selection process.

1.2. Barrier-Free Selection Process Principles

During selection and assessment, supervisors and hiring committees must adhere to the following principles:

- **Job-Necessary Requirements Only:** Do not establish job requirements or qualifications that are not strictly necessary to perform the job's essential functions.
- **No Preconceptions:** Hiring committees must never assume what an applicant can or cannot do based on their disability.
- **Standardized Interview Formats:** Utilize standardized interview scripts and consistent scoring systems for all candidates to eliminate systemic and attitudinal biases.

- **Accessible Interview Environment:** Ensure that the interview physically meets all the candidate's accessibility needs.

1.3. Notification of Accommodations on Offering Employment

When making a job offer to a successful candidate, the Division must proactively inform the selected applicant of its administrative procedures and practices for accommodating employees with disabilities. The offer of employment must contain an explicit statement outlining the Division's commitment to accessibility and details on how the candidate can request necessary accommodations. All onboarding and new employee orientation packages must contain a complete copy (if requested) or link (mandatory) to the Division's accessible employment administrative procedures.

2. Maintaining an Accessible Workplace & Keeping Employees Informed

2.1. Keeping Employees Informed

The Division is responsible for ensuring that all current and new employees are fully aware of the measures, administrative procedures and practices in place to support accessible employment. Employees must be notified promptly whenever an accessibility administrative procedure or practice is modified. Information and updates will be communicated in multiple ways, including:

- **Divisional Portal & Digital Channels**: Posting documentation and updates clearly on the divisional employee portal, the external SVSD website, staff newsletters, and broadcast emails.
- **Physical Board Postings:** Displaying accessibility commitment posters and information sheets in high-traffic staff rooms and central workspaces across all schools and administrative facilities.
- **Verbal Briefings:** Reviewing updates to administrative procedures and accessibility commitments via Divisional Administration meetings and school-level team meetings.

2.2. Communicating in Ways that Meet Employee Needs

To ensure all employees can access essential workplace information, the Division will consult with any employee who has a temporary or permanent disability to identify the appropriate accessible formats or communication supports they require. Once identified, these accessible formats and communication supports must be used continually and consistently when providing information to the employee.

Examples of Accessible Formats and Communication Supports include:

- **Accessible Formats:** Large print documents, recorded audio files, Braille, plain language summaries, and electronic text formatted to be compatible with screen-reading software (such as structured Word or PDF documents).
- **Communication Supports:** American Sign Language (ASL) interpretation, assistive listening devices, real-time captioning, visual communication boards, and text-based communication methods.

3. Written Individualized Accommodation Plans (IAPs)

As a public sector employer, Swan Valley School Division will follow its legally mandate to establish and implement written Individualized Accommodation Plans (IAPs) for employees with temporary, permanent, or episodic disabilities. The IAP is a formal, collaborative document developed between

the employee and the Division to record the specific reasonable accommodations that will be provided to remove workplace barriers and support the employee's success.

3.1. Core Elements of the Written IAP

In compliance with Section 13(2) of the Accessible Employment Standard Regulation, the Division's IAP procedure will encompass the following elements:

- **Process for Requesting Plans:** Employees may initiate a request for an IAP verbally or in writing to their direct supervisor or Principal. The Division will coordinate the documentation and assessment process.
- **Individual Case-by-Case Assessment:** Both the requesting employee and the potential workplace accommodations will be assessed separately on an individual basis, recognizing that employees with similar barriers may require different solutions to perform their job duties effectively.
- **Independent Professional Evaluations:** The Division may request an evaluation of an employee by an independent, regulated health professional or workplace accommodation specialist to help determine if a reasonable accommodation is required, and to identify the appropriate accommodation type. Any such evaluation requested by the Division will be completed entirely at the Division's expense.
- **Bargaining Agent and Advocate Representation:** The employee has the right to request assistance and representation during the development of their accommodation plan. If the employee is represented by a bargaining agent, they may request the assistance of a union representative or another person knowledgeable in workplace accommodations. If the employee is non-unionized, they may request the assistance of a knowledgeable advocate of their choice.
- **Mandatory Documented Contents:** Each documented IAP must explicitly record: (a) any accessible formats or communication supports to be used in providing information to the employee; (b) individualized workplace emergency response information; (c) any other specific reasonable accommodations required; (d) the manner and timeline within which the accommodations will be provided; and (e) the designated review schedule.
- **Accessible Formats for the Plan:** The Division must provide a copy of the completed and signed IAP to the employee in an accessible format, utilizing any required communication supports, at no additional cost.
- **Timeline and Triggers for Review:** The written plan must outline the frequency of regular reviews. At minimum, plans must be formally reviewed annually. Additionally, supervisors and/or principals must review and update the plan earlier if: (a) the employee's workspace is modified or relocated; (b) the employee's job responsibilities change; (c) other changes occur affecting the accommodation; or (d) the employee requests an earlier review.
- **Written Reasons for Denial:** The Division may deny a request for an IAP only if: (a) medical/independent evidence does not support the employee's self-assessed functional need, or (b) the requested accommodation would cause undue hardship to the Division due to extreme costs or significant health and safety risks. If a request is denied, the Division must provide the employee with detailed, written reasons for denial in an accessible format.

3.2. Dual Responsibilities in the Accommodation Process

Accommodating employees with disabilities is a shared responsibility requiring constructive dialogue, respect, and good-faith participation from all parties involved.

- **Employee Responsibilities:** The employee must cooperate in the accommodation process by: (a) initiating requests and providing relevant functional information, including medical or specialist reports, to assist in assessing the accommodation; (b) participating in evaluations

requested and funded by the Division; (c) complying with the established plan and performing duties accordingly; and (d) providing timely feedback and notifying the supervisor if modifications are needed or if the accommodation is no longer required.

- **Employer Responsibilities:** The Division, through supervisors, must: (a) inform employees of their right to request IAPs; (b) assess each employee individually, avoiding generalized assumptions; (c) separate and evaluate potential accommodations to meet the individual's unique needs; (d) notify staff of their right to representation; (e) ensure strict data privacy; and (f) fund all approved accommodation devices, software, and assessments.

4. Return to Work (RTW) Process

Swan Valley School Division is committed to providing a safe, supportive, and healthy working environment for employees who are returning to work following an absence due to a temporary, permanent, or episodic disability or illness. This process facilitates the safe, timely, and productive reintegration of valued personnel.

4.1. Step-by-Step Return to Work Process

Supervisors and Human Resources must coordinate the return-to-work process in a structured, cooperative manner utilizing the following procedural steps:

- **Step 1 - Return to Work Coordinator Assignment & Communication:** Upon learning of an employee's medically necessary absence, the Division will assign a dedicated Return to Work Representative (by default this will be the Payroll & Benefits Clerk unless otherwise designated or escalated to senior leadership). This person will serve as the employee's primary, supportive point of contact, maintaining regular, respectful communication throughout the leave and transition back to work to ensure the employee remains connected and valued.
- **Step 2 - Assessing Functional Abilities:** Prior to the return date, and if applicable, the RTW Representative will request a completed Functional Abilities Assessment Form from the employee's regulated healthcare provider (such as occupational therapist, physiotherapist, physician, or chiropractor). This form outlines the employee's safe functional abilities and physical/cognitive restrictions, rather than diagnoses.
- **Step 3 - Alignment with Workers Compensation Board (WCB):** If the absence is related to a workplace injury, the RTW Representative must coordinate closely with the WCB to confirm the employee's medically approved functional abilities and ensure the return plan aligns with WCB recommendations. In all cases, the provisions of The Workers Compensation Act prevail over this procedure.
- **Step 4 - Developing the Return to Work Plan:** Using the functional assessment, the RTW Representative, in collaboration with the employee, supervisor, and union representative (where requested), will document a tailored Return to Work Plan. This plan must outline: (a) modified duties or graduated work hours designed to facilitate safe rehabilitation; (b) necessary workplace accommodations; (c) clearly defined roles and responsibilities; and (d) a defined timeline for progression and review.
- **Step 5 - Monitoring and Adjusting the Plan:** Once the employee returns, the supervisor and RTW Representative must schedule regular check-ins to monitor the plan's effectiveness. As the employee's recovery progresses, duties and hours should be adjusted dynamically in accordance with updated medical guidance to help the employee reach their full potential.

5. Performance Management, Career Development, and Reassignment

5.1. Accommodations in Performance Management

Performance management, including formal evaluations, must be conducted in a supportive and barrier-free manner. The Division ensures that any performance management process takes into account:

- **Evolving Barriers:** That employees may encounter new temporary or permanent workplace barriers that impact performance.
- **Existing Accommodation Plans:** The employee's current IAP, ensuring that the plan is reviewed during the performance evaluation process to check if current accommodations remain appropriate.
- **Inherent Limitation of Accommodations:** The possibility that existing accommodations may not fully address all barriers. Before taking any performance-related actions, supervisors must consider if performance concerns are linked to unresolved workplace barriers, and work with the employee to adjust accommodations accordingly.
- **Accessible Evaluation Process:** All written performance evaluations, feedback documents, and progress reports must be provided in accessible formats and meet the employee's communication support needs.

5.2. Career Development and Advancement

SVSD is committed to providing equal access to professional growth, internal advancement, and training opportunities. When career development or training is offered, the Division will ensure that:

- **Objective Criteria:** Internal recruitment, selection, and promotion processes are based on objective criteria and do not create systemic barriers for staff with disabilities.
- **Continuity of Support in Reassignments:** If an employee with an active IAP is promoted, redeployed, or reassigned to a different role or department, the Division will collaborate with the employee (and their bargaining agent, if requested) to review and adjust the IAP relative to the barriers of the new workspace and job duties before they assume the role.
- **Accessible Training Delivery:** The Division will ensure both internal and contracted external training programs are accessible. The Division will respond to accommodation needs upon request via practices such as but not limited to sharing course materials ahead of time and providing training in flexible, multi-modal formats.

5.3. Pre-Disciplinary Review of Barriers

Prior to imposing any progressive discipline(see AP: 814A) for performance or behavioral concerns, the supervisor, in consultation with the Superintendent or designate, must formally evaluate whether there is a direct or indirect connection between the job performance concerns and unresolved workplace barriers. Supervisors must actively offer new or modified accommodations if they believe it could resolve performance challenges for an employee with a disability.

6. Individualized Workplace Emergency Response Information

The safety of all staff during emergencies is paramount. Employees with temporary, permanent, or episodic disabilities may require tailored support to respond to emergency situations. The Division will establish individualized workplace emergency response plans that are specific to the

employee's particular barriers and the physical characteristics of their workspace.

6.1. Timeline for Creation and Mandatory Review

Individualized workplace emergency response information must be documented and provided as soon as practicable after the Division becomes aware that the employee requires assistance due to a disability. Supervisors must review and update an employee's individualized Emergency Response Plan (ERP) each time:

- **Workspace Relocation:** The employee is moved or reassigned to a different workspace, classroom, or building.
- **Workspace Modification**: The physical layout of the employee's current workspace is structurally modified or altered.
- **General Emergency Plan Updates:** The Division or individual school reviews and updates its general emergency response plans, and the changes would affect the employee's response or evacuation route.

6.2. Sharing Emergency Information & Designated Helpers

To ensure effective emergency coordination while respecting privacy, the following protocols must be followed:

- **Explicit Consent for Sharing:** If an employee requires the physical assistance of another person to evacuate, the Division will obtain the employee's explicit written consent before sharing their emergency response plan with the coworkers designated to assist them.
- **Briefing Designated Helpers:** The supervisor will ensure that all designated helpers are fully briefed on their specific roles, trained on how to assist safely, and informed of their strict obligation to maintain employee confidentiality.
- **Safe Assembly Areas:** If an employee is unable to evacuate the building, the emergency plan must designate a secure safe area where a designated assistant will remain with the employee, if permitted by the employee, until emergency services arrive.
- **Fire Department Notification:** During an evacuation, the designated site supervisor or administrator is responsible for immediately notifying the arriving fire department of the exact number and location of employees remaining in the designated safe areas.

6.3. Proactive Safety Measures

The Division will annually inquire whether they require assistance during emergencies and to remind them of the building's Emergency Response Plans at the start of each school year or upon new employment with the Division. General accessibility issues, safety barriers, and emergency protocols must be reviewed and discussed as an annual agenda item at all divisional, department and school-level start-of-the-year Emergency Response Plan meetings and be recognized in the school year’s written plan.

7. Mandatory Training and Program Scope

Swan Valley School Division will support accessibility training to ensure that employees involved in personnel management, hiring, and policy creation possess the necessary knowledge and tools to eliminate employment barriers and support an inclusive workspace.

7.1. Scope of Personnel Requiring Training

Training will be provided to all personnel who hold the following responsibilities:

- **Hiring and Selection:** Staff responsible for recruiting, selecting, screening, interviewing, or training employees.

- **Supervision and Management:** Staff responsible for supervising, managing, directing, or coordinating the work of employees.
- **Career Planning:** Staff responsible for promoting, redeploying, or terminating employees.
- **Administrative Procedure Development:** Staff responsible for developing, writing, or implementing divisional employment policies and procedures.

7.2. Training Curriculum

Training for staff will be provided as required (note: AccessibilityMB.ca supports the following priorities via free training modules):

- **Accessible Opportunities:** How to make employment opportunities accessible to persons disabled by barriers.
- **Respectful Communication:** How to interact and communicate respectfully with applicants and employees who face accessibility barriers.
- **Assistive Devices, Support Persons, and Service Animals:** How to interact with individuals who use assistive devices (such as wheelchairs, walkers, speech generators) or who require the assistance of a support person or trained service animal.
- **Legislative Review:** A review of The Accessibility for Manitobans Act, the Accessible Employment Standard Regulation, and The Human Rights Code (Manitoba), specifically as they relate to workplace accommodations.

8. Privacy, Recordkeeping, and Public Availability

8.1. Protection of Personal and Health Information

Swan Valley School Division is committed to protecting the privacy and confidentiality of all personal and personal health information provided by applicants and employees for accessibility and accommodation purposes. In accordance with The Freedom of Information and Protection of Privacy Act (FIPPA) and the Personal Health Information Act (PHIA), the Division establishes the following strict privacy protocols:

- **Purpose Limitation:** The Division will collect, use, and disclose personal and health information only as strictly required to administer the requirements of the Accessible Employment Standard Regulation. Information will not be used or shared for any other purpose unless the employee provides explicit written consent.
- **Need-to-Know Access Restriction:** Access to sensitive medical documentation, evaluations, and individualized accommodation plans is restricted to personnel involved in HR functions and the employee's direct supervisors who are responsible for implementing the accommodations. Information is shared on a strict 'need-to-know' basis.
- **Secure Physical and Digital Records:** All paper-based medical files, functional assessments, and signed IAPs must be stored in secure, locked physical cabinets within the staff's personnel file. All digital records must be housed on password-protected, encrypted divisional networks with restricted user access controls.
- **Focus on Functional Capabilities:** When discussing or establishing accommodations, supervisors must focus strictly on the employee's functional capabilities and physical/cognitive needs rather than medical diagnoses or specific clinical conditions.

8.2. Written Records and Public Availability

As a public sector employer, SVSD maintains written records of its accessible employment procedures and ensures that these documents are highly visible and accessible to the public by:

- **Public Notice of Availability:** Providing public notice online (via the divisional website) and on the premises of the Division's administrative offices and schools that accessibility measures and administrative procedures are available upon request.
- **Accessible Format Delivery:** Providing copies of these documents to members of the public or employees in an accessible format upon request. This delivery must occur: (a) in a manner that fully takes into account the requester's accessibility needs; (b) within a reasonable and prompt timeframe; and (c) at no cost to the individual.