



# Submission on Manitoba's Discussion Paper on a Proposed Accessibility Standard for Employment

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**Manitoba Federation of Labour**

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## Introduction

The Manitoba Federation of Labour (MFL) is pleased to provide the following short brief in response to Manitoba's *Discussion Paper on a Proposed Accessibility Standard for Employment*.

The MFL is the province's central labour body, representing over 100,000 unionized workers. Manitoba's labour movement has a longstanding commitment to building a more diverse and representative workforce and, therefore, we are strongly supportive of *The Accessibility for Manitobans Act (AMA)*, which was passed unanimously by the Manitoba Legislature in 2013. Additionally, we recognize that many of our current members are workers with disabilities, and we anticipate that number will rise with an aging workforce.

The *Proposed Standard for Employment*, which is the subject of focus here, is being developed as per the AMA, to help breakdown the extensive barriers that Manitobans with disabilities face when trying to find, keep and advance in employment, and to achieve meaningful progress in labour market accessibility by 2023. Moving from a complaints-driven process, to one incorporating mandatory standards represents an enormous progression.

We wish to acknowledge and express appreciation for the thoughtful and considered work of the multi-stakeholder Committee, which led development of the *Discussion Paper*. The MFL was pleased to participate in the nomination process for this Committee. We believe that the *Proposed Standard* represents a very important step in the right direction – to reducing barriers and improving labour market accessibility – and we would like to offer a few suggestions with the aim of further advancement.

The MFL was pleased to participate in the public consultation session on the *Discussion Document*, held on January 18, 2017. Many current and potential future workers with disabilities, community agencies, and employers shared important perspectives at this forum. We were pleased that members of the multi-stakeholder Committee were present to listen to concerns and questions, and agreed to consider feedback in future deliberations.

Additionally, we wish to give thanks and express our solidarity with the continued tremendous efforts of Barrier-Free Manitoba, a community-driven, cross-disability, non-profit initiative, which has been a key leader in the fight for removing barriers and securing equitable access for Manitobans with disabilities.

Their unrelenting work over the last nine years has mobilized participation, raised awareness, inspired commitment and helped to effect important legislative change. We encourage government to recognize this important work and to invest in ongoing community mobilization.

## Barriers and the Need for Accessibility

Deep, pervasive and persistent barriers to employment for persons with disabilities in Manitoba are reflected in ongoing and unacceptably high rates of unemployment and underemployment, and low rates of employment – far worse than rates for other groups of Manitobans.

Barrier-free Manitoba has estimated that in order to achieve parity with Manitobans without disabilities, an increase of nearly 40% in employment of persons with disabilities (of more 18,000 people) will be required.

Increasing employment for Manitobans with disabilities is imperative for realizing human and economic potential, for improving socio-economic position, and for addressing labour force shortages.

We must also address and correct the under-representation of Manitobans with disabilities in higher-paying jobs. Currently, those with disabilities earn considerably less - on average - than those without disabilities.

But many barriers will need to be overcome, such as lack of employer knowledge about accommodation options (including many easy and low-cost options), ignorant and discriminatory attitudes, insecurity about what to expect, and lack of employer knowledge regarding their human rights responsibilities. These barriers create enormous social and economic costs.

Another serious impediment to employment stems from persistent barriers to education and training for persons with disabilities, which, in turn, seriously aggravate employment-preparedness barriers. Accessible education and training need to be key components of labour force accessibility. With this in mind, we support the call for government to develop an Accessibility Standard on Education and Training (we note that Ontario is doing this).

## Proposed Accessibility Standard for Employment

### Schedule:

The MFL believes that the proposal for a staggered phase-in period (one year for government, two years for other government agencies, and three years for private and non-profit organizations), which is consistent with the earlier Standard for Customer Service, is reasonable, but only if the government starts the clock ticking on implementation in 2017. Persons with disabilities have already waited too long for these basic rights to be respected – it's imperative that we move forward without further delay.

[On the related matter of the Standard for Customer Service, we are interested in the government's implementation progress, in light of last year's "take effect" date. Is any type of public reporting being contemplated in this respect?]

### Paid vs. Unpaid Work:

The *Discussion Paper* advocates for the *Standard* to apply exclusively to paid employment. While the MFL certainly agrees that good-paying and rewarding jobs should be the priority goal, we have heard from some of our members, and from participants at the January 18<sup>th</sup> public consultation, that volunteer work experience is an especially important ladder to readiness for paid employment for many persons with disabilities. We therefore encourage the Committee to consider how the Standard might be applied to unpaid work as well, with the aim of strengthening bridges to good paying jobs.

### Differential Requirements for Larger Employers:

The Discussion Paper proposes that some (modest) additional documentation requirements be applied to employers with 20 or more employees (e.g. documentation of accommodation plans and return to work plans). The MFL believes that differential requirements are an appropriate starting point, and that the proposed '20 or more employees' benchmark is a reasonable one. We think Ontario's benchmark of 50 or more employees is far too high, and grossly and unnecessarily limits the scope and, therefore, the effect of the Standard. Going forward, we further recommend that Manitoba's '20 or more employees'

benchmark be reviewed periodically to assess the appropriateness of reducing it further, with the aim of enlarging the Standard's impact.

#### Employee Recruitment:

We echo the suggestion of Barrier-Free Manitoba that the *Proposed Standard* could be strengthened by considering methods to ensure employee recruitment strategies incorporate sharing job notices and other recruitment plans and strategies with agencies focused on providing employment opportunities for persons with disabilities.

#### Accommodation Plans:

The MFL suggests that the *Discussion Document's* draft language respecting employee participation in the development of accommodation plans would benefit from clarification/strengthening. We believe that it was the intent of the Committee to ensure that employees have the right to have work accommodation plans, to participate in the development of such plans and to involve both representation from their union and external experts. Some of the draft language, however, says that employees can "request" these things, but doesn't go far enough in terms of making sure employers are required to fulfill employee "requests". We do not doubt the intent of the Committee in this regard – and we fully support their intent - but recommend clearer and stronger language to avoid confusion.

#### Training, Implementation & Compliance:

The MFL believes that the *Proposed Standard* does not go far enough in terms of ensuring training for workers or management in connection with understanding and implementing the Standard (this contrasts with the government's Accessibility Standard on Customer Service).

The MFL believes that all involved personnel should receive proper training including a review of the AMA, The Human Rights Code, and their employer's accessible employment policies and procedures. It's also important that ongoing training be provided to reflect changes to employer policies and procedures over

time. Proper training will greatly improve chances of success, and broad, speedy and effective implementation.

We are also concerned that Manitoba's proposal does not appear to be as robust as Ontario's in terms of providing tools, resources and supports for implementation overall. Indeed, to the best of our knowledge, no details have been released on the government's implementation plan for the new Standard. We urge the government to develop and release for public input a comprehensive implementation strategy, including ample supports for employers and persons with disabilities, so the new Standard can be implemented quickly and effectively.

Similarly, we are concerned that the government has so far been silent on the questions of monitoring, measurement and enforcement (other than naming a Compliance Officer). While the MFL supports an approach that seeks to support and resource employers to implement that standard effectively, implementation cannot be left to voluntary action alone. Government needs to develop proper plans for monitoring and measuring employer compliance (so we know how we're doing, and where we need to focus improvement efforts), and an appropriate enforcement scheme. We strongly encourage government to include these critical components, and to resource them appropriately. These elements will be essential when the *Standard* comes up for review.

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