

# Accessible Employment Policy

## Purpose

Myers LLP is committed to complying with the Accessible Employment Standard Regulation, under The Accessibility for Manitobans Act. Our policies, practices and measures reflect principles of dignity, independence, integration and equal opportunity for people with disabilities.

We aim to remove barriers in our workplace. If a barrier cannot be removed, we seek to provide reasonable accommodations to affected employees.

The following policy statements, organizational practices and measures are intended to meet the requirements of Manitoba's Accessibility Standard for Employment.

## A. PRE-EMPLOYMENT ACCESSIBILITY REQUIREMENTS

### 1. REMOVING BARRIERS TO RECRUITMENT AND SELECTION

#### **Policy Statement:**

During recruitment, we inform all potential applicants that reasonable accommodations are available during the selection process, and we respond in a timely manner to requests for accommodation.

#### **Practices and Measures:**

- We include a statement on all job postings that reasonable accommodations are available to applicants with disabilities through the recruitment process and in employment, and we seek their advice on how best to accommodate their needs.
- When an applicant has made a request for an accommodation during the selection process, we:
  - (i) consult with the applicant to determine the appropriate accommodation; and
  - (ii) put the appropriate accommodation in place during the assessment or selection process.

### 2. MENTIONING WORKPLACE ACCOMMODATIONS WHEN OFFERING EMPLOYMENT

#### **Policy Statement:**

When hiring, we inform selected applicants of our measures, policies and practices for accommodating employees with disabilities.

#### **Practices and Measures:**

- We include information about workplace accommodations and accessible employment policies and practices in our letter of offer to all selected applicants;
- We include information about workplace accommodations and accessible employment, policies and practices in our new employee orientation materials.

## B. EMPLOYMENT ACCESSIBILITY REQUIREMENTS

### 3. INFORMING EMPLOYEES ABOUT ACCOMMODATION POLICIES AND PRACTICES

**Policy Statement:**

We keep employees informed about our accommodation measures, policies and practices for employees with disabilities. We also provide updates to employees when this information changes.

**Practices and Measures:**

We provide information to employees about our policies for employees with disabilities and any updates in multiple ways, such as:

- in our staff manual;
- posted in the firm lunch room;
- through discussions with partners/ firm management (in person, by phone or through email); and
- during staff meetings where appropriate.

### 4. COMMUNICATING IN A WAY THAT MEETS EMPLOYEES' NEEDS

**Policy Statements:**

We aim to meet the communication needs of our employees by providing workplace information and communications in ways that are easy to access for everyone.

If requested by an employee with a temporary or permanent disability, we:

- consult with the employee to identify the accessible formats, or communication supports needed when providing information to the employee; and
- ensure that identified accessible formats or communication supports are continually used when providing information to the employee.

**Practices and Measures:**

To meet an employee's communication needs, we ask the employee what accessible format or communication support is most appropriate for them, and we provide information to employees in multiple ways to meet everyone's needs, including circulation of information electronically by email in accessible formats.

### 5. PROVIDING INDIVIDUALIZED ACCOMMODATION PLANS

**Policy Statement:**

Our policy is to provide reasonable accommodations by developing and documenting individualized accommodation plans for employees with disabilities who request them.

### **Practices and Measures:**

The individualized accommodation plan includes:

- information about accessible formats and communication supports, if requested;
- workplace emergency response information, if required;
- details of how and when any other accommodations will be provided if applicable;
- when the plan will be reviewed and, if applicable, updated.

Our employees will participate and cooperate in the accommodation process by:

- providing timely related information, including medical information where and to the extent necessary;
- taking part in reasonable assessments, if reasonably requested by the employer, at the employer's expense;
- following the individualized accommodation plan in good faith; and
- offering ongoing feedback related to how the modifications are working, asking for additional modifications or indicating that the modification is no longer required, all in a timely fashion.

Management will review the accommodation plan on the three (3) month anniversary date and in combination with the regular annual employee reviews.

Management will also review an employee's individualized accommodation plan, and update the document if required, when:

- the employee's workspace is modified or relocated;
- the employee's responsibilities have changed;
- other workplace changes have occurred that affect the accommodation; or
- the employee has made a request to review and update the accommodation plan earlier than outlined in the plan.

#### **A. Request for an individualized accommodation plan**

We support employees by providing reasonable accommodations in the workplace. Employees may make a verbal or written request to the Managing Partner or the Director of Operations for an individualized accommodation plan.

#### **B. Assessment of employee and accommodation required**

We will assess the employee and possible accommodations on an individual basis.

We may request that the employee provide documentation from a health practitioner or other practitioner specializing in workplace accommodation who supports the need for the accommodation.

We may request, at our expense, an evaluation by an independent regulated health professional or other practitioner in the area of workplace accommodations for employees with disabilities.

### **C. Assistance for the employee in developing the accommodation plan**

An employee may request assistance with developing a plan from another person who is knowledgeable about workplace accommodations for employees with disabilities.

### **D. Accessible formats**

We meet the communication needs of our employees by providing them with a copy of their plan in a format and with any communication supports to meet the needs of the employee.

### **E. Reasons for denying a request**

We may deny an employee's request for an individualized accommodation plan if:

- an independent regulated health professional(s) contracted to conduct an assessment does not support the employee's self-assessed requirement for a workplace accommodation; or
- evidence shows that the accommodation request would cause undue hardship (e.g., creates major and measurable costs to the employer or health and safety risks).

If an accommodation request is denied, we will provide the employee with the written reason(s) for the denial.

### **F. Maintaining Privacy**

We maintain employee privacy regarding accommodation plans and personal health information in accordance with section 9 below.

## **6. MANAGING PERFORMANCE**

### **Policy Statements:**

We ensure our performance management process takes into account:

- that an employee with a disability may be temporarily or permanently affected by one or more barriers in the workplace;
- an employee's individualized accommodation plan;
- that the accommodations provided for an employee may not fully address a workplace barrier.

### **Practices and Measures:**

We meet with new staff three (3) months into employment and at least once annually to discuss progress, new goals and any challenges. Existing or newly required workplace accommodations are discussed, including individualized accommodation plans and any assistance required during emergencies.

We speak with employees when they do not follow employer policy or meet expectations, and offer a spoken and written warning of consequences, including disciplinary action in keeping with the nature and seriousness of the incident.

We discuss existing workplace accommodations and propose modifications or new workplace accommodations if we believe this could help improve the performance of an employee with a disability.

Prior to imposing disciplinary measures, we consider whether there is a connection between concerns about job performance and workplace barriers.

## 7. RETURN-TO-WORK PROCESSES

### **Policy Statements:**

Our return-to-work policy reflects our commitment to provide a safe and healthy working environment for employees who are, or have been, absent from work due to a disability and require reasonable accommodations to return to work.

We include a description of the processes we will follow in determining the accommodations necessary to facilitate the return to work of employees who have been absent due to a disability.

Our return-to-work policy ensures reasonable accommodations for employees who are at work or absent due to a disability. We will make reasonable efforts to modify employees' duties and work schedule based on their functional abilities. Our aim is to increase duties safely to help employees reach their full potential.

### **Practices and Measures:**

- we keep in touch with absent employees throughout the employee's recovery to help them maintain a connection with their workplace and to show they are valued;
- when reasonably appropriate, we offer meaningful and productive modified or alternate duties that are safe and within the employee's functional abilities;
- we are reasonably flexible and reasonably tailor the return-to-work plan to the employee's needs;
- we ensure the firm supports employees who have been absent due to a disability, and participates, where necessary, in the return-to-work process;
- we educate staff, where necessary, on why returning to work is good for business and outline the expectations for supporting an employee in a modified role;
- we follow the insurer's return to work processes where applicable; and
- we recognize that pandemics, like COVID-19, pose serious health threats to people with pre-existing conditions, and we attempt to reasonably accommodate affected employees.

## 8. PROVIDING WORKPLACE EMERGENCY RESPONSE INFORMATION

### **Policy Statements:**

We notify all employees of steps to be taken during emergencies, to ensure the safety of employees who are temporarily or permanently disabled. We ensure workplace emergency response information is specific to each employee's needs and the physical nature of the employee's workspace.

Once we learn an employee requires assistance during a workplace emergency, we offer the employee individual workplace emergency response information as soon as possible.

We review the workplace emergency response information provided to an employee each time:

- the employee is moved to a different workspace;

- the employee's workspace is modified; and
- we review our general emergency response plans and make changes that would affect the employee's response to an emergency in the workplace.

If an employee who receives workplace emergency response information requires the assistance of another person during an emergency, we obtain consent from the employee on who will assist, and we inform that person how to assist.

**Practices and Measures:**

- we annually send a memo to all employees to inquire whether they need assistance during an emergency and to remind them of the office or buildings emergency plan;
- we regularly discuss general accessibility and identify barriers during Workplace Safety and Health meetings;
- in a situation where an employee cannot descend the stairs to exit the building during an evacuation, with permission from the employee, we identify someone to remain with this person in the designated safe area;
- the person who acts as Fire Warden ensures reasonable communication with these employees during the emergency;
- the person who acts as Fire Warden shall notify the on-site fire department representative about the number and location of employees who remain in the building.

## 9. MAINTAINING PRIVACY

**Policy Statements:**

We protect the privacy and confidentiality of employees' personal information and personal health information. We only collect, use, and disclose information as required for the purposes of the Accessibility Standard for Employment, unless otherwise agreed to by the employee.

**Practices and Measures:**

- we follow proper protocol when storing confidential employee information; and
- we protect our employees' personal information and personal health information at all times by ensuring safe storage of that information and limiting access to management only.

## 10. TRAINING

**Policy Statements:**

We provide reasonable training where necessary on how to accommodate employees with a disability to anyone involved with the following responsibilities:

- recruiting, selecting or training employees;
- supervising, managing or coordinating the work of employees;
- promoting, redeploying or terminating employees; or
- developing and implementing employment policies and practices.

Training content typically includes:

- how to make employment opportunities accessible to people with disabilities;
- how to interact and communicate with applicants or employees who face barriers, use assistive devices, or are assisted by a support person or service animal;
- an overview of applicable legislation; and
- our accessible employment policies, practices and measures, including updates or changes.

**Practices and Measures:**

- we train new management as soon as reasonably possible, and no later than one (1) month after hiring;
- we provide refresher training where necessary, including informing staff about updates to policies, practices and measures. Training is offered as needed following updates; and
- management shall maintain records of who has been taking training and when.

## 11. KEEP A WRITTEN RECORD OF ACCESSIBILITY AND TRAINING POLICIES

**Policy Statements:**

We keep a written record of our accessibility and training policies. Our written documents include a summary of the content of our training material and a list of dates when training is offered.

We let the public know that our policies are available upon request and we provide these in a format that is accessible for the user.

**Practices and Measures:**

We will let the public know that our accessibility and training policies are available in the following ways:

- posted on website;
- upon request, through employees or management (in person, by phone).

We provide our policies within a reasonable timeframe, and in a format that meets the needs of individuals with a disability, at no additional cost.