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December 19, 2016

Disabilities Issues Office  
630-240 Graham Avenue  
Winnipeg, MB R3C 0J7  
Via email: [access@gov.mb.ca](mailto:access@gov.mb.ca)

To Whom It May Concern,

On behalf of the Association of Manitoba Municipalities (AMM) who is a member of the Accessibility Advisory Council, I would like to take this opportunity to provide some comments regarding the proposed accessibility standard for employment in accordance with *The Accessibility for Manitobans Act*.

As noted in previous AMM correspondence to the Minister of Families and Disabilities Issues Office, the AMM fully supports improved accessibility for Manitobans and believes universal access to public buildings is an important part of ensuring people with disabilities have full opportunity for the participation in the life and development of local communities. Recent meetings between Minister Fielding and the AMM Executive have been productive, and the AMM is encouraged by the commitments to improve the functioning of the Accessibility Advisory Council.

While the AMM appreciates the provincial government's commitment to offer assistance in the identification, prevention and removal of barriers to accessibility, legislation of this magnitude requires funding support to help municipalities comply with the corresponding standards. However, since 2011 the AMM has repeatedly voiced concerns over the lack of provincial funding to municipalities to support the effective implementation of accessibility standards.

The current lack of funding from the provincial government stands in contrast with the approach being taken by the Province of Ontario as well as by the Government Canada through its Enabling Accessibility Fund. It is essential that costs are not downloaded and regulatory changes do not negatively impact municipalities, financially or otherwise. Funding support must be provided to ensure the effective implementation of the standards as there will assuredly be financial costs associated not only with employment standard but also with the three subsequent standards yet to be developed.

In regard to the proposed employment standard specifically, the discussion paper mentions that employers may be exempt from the 'reasonable accommodation' requirement if they can establish accommodation would create an 'undue hardship' in the form of a significant expenditure of funds. As the AMM understands that there is





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no precise legal definition of undue hardship or a standard formula for determining undue hardship, greater clarity regarding this requirement is warranted when municipalities begin to revise job descriptions as well as their workplace policies and practices.

In addition, the requirement for documented individual accommodation plans for organizations with 20 or more employees will create additional significant administrative and financial resources for municipalities. For instance, what qualifications will be required of a municipal employee in order to be able to competently assess the accessibility needs of a fellow employee? If a municipality requires the services of an outside expert to properly assess the accessibility needs of an individual, will the Province of Manitoba provide funding to assist the employer (i.e., municipality) in determining if and how reasonable accommodation can be achieved?

In practical terms, the AMM believes that Section 9 of the proposed employment standard does not provide clear direction, particularly since this proposed regulation seemingly assumes and expects a municipality's human resources department to adapt with no resource support or detailed instructions. This regulation is simply unrealistic and illustrates a lack of understanding of the administrative and financial burdens currently faced by municipalities.

Overall, the implementation of the mandated accessibility standards will be undermined so long as no provincial funding support is provided. That is why the AMM has long recognized the need for accompanying provincial funding and has been calling for a partnership with attached financial support. Many Manitoba communities are currently proactively implementing accessibility plans in order to comply with provincial regulations, yet they shouldn't have to shoulder these priorities alone.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Masi", is positioned above the printed name and title.

Joe Masi  
Executive Director

cc: Honourable Scott Fielding, Minister of Families

