



LEGISLATIVE ASSEMBLY MANAGEMENT COMMISSION
Minutes of a Meeting Held at
11:00 a.m. Monday, November 29th, 2021
Room 254 Legislative Building
WEBSITE VERSION

DECISIONS

1. Multi-Year Strategic French Language Services (FLS) Plan – Elections Manitoba

The Commission approved the Multi-year Strategic French Language Service Plan for Elections Manitoba.

2. Flexible Working Arrangements

The Commission approved the flexible working arrangement policy below for the Legislative Assembly (excluding Interns, political staff and constituency assistants):

MANITOBA LEGISLATIVE ASSEMBLY
FLEXIBLE WORK ARRANGEMENTS POLICY

PURPOSE

This workforce policy enables management to consider flexible work requests from employees, provided they are consistent with the policy objectives and principles, and will not impact on service or program delivery. Employees may request approval to perform their work remotely (from home or an alternate location) and/or adjust their working hours to help balance work with personal responsibilities.

OBJECTIVES

Flexible work arrangements must be voluntary on the part of the employee, agreed to by the manager, and adhere to applicable Manitoba Legislative Assembly Employment policies (see "Related Policies" below), as well as:

- Enable employees to meet established performance expectations as well as balance their preferences for flexibility with their work responsibilities;
- Support innovation and progressive ways of delivering services, while maintaining or improving quality, and levels of service and/or productivity; and
- Promote a culture that values flexibility in where and how work is performed while maintaining a safe, healthy and respectful work environment.

PRINCIPLES

Flexible work arrangements must be consistent with and adhere to the following principles. In particular, arrangements put in place should:

- make prudent use of public resources and ensure that services continue to be provided fairly, reliably and competently;
- ensure that service levels provided are not negatively impacted;
- ensure that sensitive information is handled appropriately, discreetly and that measures are in place to protect confidentiality and information security as required by legislation;
- support continued teamwork, collaboration, and professional learning and development;
- be flexible and adaptable to changes in the priorities and needs of the branch, stakeholders, and the public; and
- be continually evaluated to ensure they are meeting operational requirements effectively.

APPLICATION

This policy applies to regular full-time and regular part-time employees employed in the non-political offices in the Legislative Assembly, employees employed in the political offices of the Legislative Assembly, Interns, and Constituency Assistants. This policy does not apply to sessional or casual employees employed in the non-political offices in the Legislative Assembly.

RESPONSIBILITIES

For additional information on employee and management responsibilities, please refer to the related resources and tools.

Employee

- Submit request for a flexible work arrangement to the manager in writing, including as much detail as possible to confirm changes to start/end times (if applicable), location where work will be performed (if applicable), and plans for mitigating any challenges that are anticipated.
- Cooperate with management by providing any additional information needed to support the request.
- In cooperation with the manager, and in the case of a remote work arrangement, discuss, review and complete the Remote Work Agreement Template and all parts of the Remote Workplace Safety Checklist, and take reasonable steps to address the items on this checklist.
- Should the arrangement be approved and implemented, provide periodic updates (at least monthly) during the trial period to the manager on the effectiveness of the arrangement, and proactively discuss any challenges.

- Advise the manager if any changes to the arrangement are needed, and provide written notice if the arrangement is to be ended.
- Maintain basic elements of the remote workplace, such as adequate homeowner or tenant insurance, Wi-Fi data plan, heat, electricity and maintenance, and taking responsibility for any costs for home renovations to establish a remote workplace.
- Ensure that all electronic and hard copy files are maintained in accordance with appropriate record retention and disposal schedules as well as with information security and confidentiality requirements in the applicable legislation.
- Report to the primary work location when requested for meetings, training and/or at management's discretion with reasonable notice (for example, a minimum of 24 hours' notice where possible).

Manager

- Assess employee requests for flexible work arrangements, ensuring that any approved arrangement is operationally feasible, maintains or improves service and productivity, and does not generate unreasonable cost to Manitoba Legislative Assembly. It is expected that some costs (i.e. VPN) may be incurred, however other costs may not be deemed reasonable (i.e. an additional printer).
- Ensure performance expectations, accountability measures, and parameters for the flexible work arrangement are clearly defined.
- Respond to the employee's request in writing. In the case of remote work arrangements, formalize the arrangement using the Remote Work Agreement template and Remote Work Safety Checklist.
- Where a flexible work arrangement cannot be operationally supported as requested, consider and suggest potential alternatives (e.g. suggesting an alternate day an employee could work in an alternate location if the date(s) they requested would not be operationally feasible).
- Ensure the employee has the necessary equipment and supplies to perform their work remotely, including confirming that the employee has a safe and appropriate space to work remotely and suitable working alone provisions are in place as necessary. Review the completed Remote Workplace Safety Checklist.
- Seek additional guidance as required from Human Resource Services.
- With the Employing Authority, review and authorize or decline each individual flexible work agreement request. Where a request is being denied, provide rationale for denying the request in writing to the employee.
- Once an individual flexible work agreement is implemented, check in with the employee to assess the suitability and effectiveness of the arrangement, confirming in writing if changes are made to the terms of the arrangement, and providing written notice if the arrangement is to be ended. It is recommended that these check-ins occur on a regular basis, and that the arrangement is reviewed at least monthly.

- Should the employee be required to report to the primary work location when requested for meetings, training and/or at management's discretion, provide the employee with reasonable notice (for example, a minimum of 24 hours' notice where possible). The Manager has the ability to suspend the flexible work arrangement due to urgent work related circumstances.
- Proactively address any performance issues or concerns that may be related to the flexible work arrangement.
- Ensure that all other relevant policies and guidelines are followed.

Employing Authority

- Support managers in considering flexible work arrangement requests.
- In consultation with the manager, review and authorize or decline individual flexible work agreements.

Human Resource Services

- Advise employees, constituency assistants, managers, employing authorities, and Members on the application and interpretation of this policy.
- Provide support to the manager, employing authority, and Member in considering employees' and constituency assistants' requests for flexible work arrangements as needed.
- Review individual flexible work agreements as needed.

DEFINITIONS

“Flexible Work Arrangement” means an agreement between management and an employee to adjust the employee's hours and/or location of work, on a re-occurring or on-going basis.

“Remote Work” means a flexible work arrangement whereby an employee has approval to carry out some or all of their work duties from an alternate location, on a re-occurring or on-going basis.

COMPLIANCE/NON-COMPLIANCE

Flexible work arrangements must not alter the employee's terms and conditions of employment, including the overall number of hours worked by the employee or the nature of the employee's work responsibilities. There are limits to the flexibility that can be agreed to, and any change to work locations or hours of work must adhere to legislation. They are not transferable and must be reviewed if the employee assumes another position.

Flexible work arrangements may be terminated by either employer or employee provide written notice if the agreement is to be ended. Management, with cause, may terminate the agreement with immediate effect and is not required to provide a notice period.

Management will discontinue flexible work arrangements where they are assessed as being ineffective, are no longer operational feasible, or otherwise not supporting the principles and objectives outlined in this policy or the provisions of the Remote Work Agreement. Flexible work arrangements may also be discontinued to address employee violations of other Manitoba Legislative Assembly policies and procedures, or to address performance concerns.

RELATED POLICIES

All relevant workplace and conduct policies, guides and legislation will continue to apply and may include:

- Manitoba Legislative Assembly employment policies
- Conflict of Interest Policy
- Oath of Office policy
- Employee Network Usage Policy

It was agreed that the Commission will evaluate the Flexible Work Arrangement Policy in six months.

It was also agreed that in spring 2022, the Commission consider the Flexible Work Arrangement Policy and its possible implementation to Interns, political staff and Constituency Assistants.

3. Accessible Employment Policy

The Commission approved the Accessible Employment Policy.

Accessible Employment Policy The Manitoba Legislative Assembly

Introduction

The Manitoba Legislative Assembly has developed the policies, organizational practices and measures outlined in this document to meet the requirements of the [Accessible Employment Standard Regulation](#) and we are committed to complying with the Accessibility Standard for Employment 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.

This policy applies to management, human resource practitioners and employees responsible for activities identified under sec. 7(1) of Accessibility Standard for Employment under *The Accessibility for Manitobans Act. 1*

Wherever practicable and possible, the Manitoba Legislative Assembly mirrors the policies of the Civil Service Commission with respect to removing barriers to employment, specifically:

- 1.5.2 [Removing Employment Barriers](#);
- 2.2.3 [Barrier-Free Recruitment](#); and
- 3.1.3 [Reasonable Accommodation](#).

Pre-employment Accessibility Requirements

1: Remove barriers to recruitment and selection.

Policy Statement:

During recruitment, we inform potential applicants that reasonable accommodations are available during the selection process, and we respond to requests for accommodations.

Practices and Measures:

- We include a statement on all job postings that reasonable accommodations are available to applicants with disabilities. We seek their advice on how best to accommodate their needs. See: [Employers' Handbook for Accessible Employment](#).
- When making interview arrangements in writing or verbally, we inform applicants that reasonable accommodations are available during the assessment and selection processes.

1 Persons within the employer's organization who are responsible for (a) recruiting, selecting or training employees; (b) supervising, managing or coordinating employees; (c) promoting, redeploying or terminating employees; or (d) developing and implementing the employer's employment policies and practices.

- When an applicant has made a request for an accommodation during the selection process, we:
 - Consult with the applicant to determine the appropriate accommodation.
 - Put the appropriate accommodation in place during the assessment or selection process.

2: Mention 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 in our letter of offer to new employees.
- We include information about workplace accommodations in our new employee orientation materials.

Employment Accessibility Requirements

3: Inform 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:

- posted on the public website, memos, newsletters, or through staff emails
- included in advertisements
- through discussions with management (in person, by phone or through email)
- during staff meetings

4: Communicate 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.
- 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.
- We provide information to an employee in an accessible format on request.

5: Provide 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:

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

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

- providing related information and taking part in assessments, if requested by the employer
- complying with the individualized accommodation plan
- offering ongoing feedback related to modifications, including whether the accommodation is no longer required

Supervisors will review the accommodation plan within three months of implementation and as part of regular employee reviews.

Supervisors will also review an employee's individualized accommodation plan, and update 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
- the employee has made a request to review and update the accommodation 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 their manager 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 who supports the need for the accommodation. We may request, and cover costs for, 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 the plan, including:

- An individual or organization with knowledge of 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, or an explanation for denying the request to introduce a plan, in a format and with any communication support 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 in the following circumstances:

- The employee is able to carry out most of the job without an accommodation.
- The independent regulated health professional(s) does not support the employee's self-assessed requirement for a workplace accommodation.
- Our research and evidence shows that the accommodation request would cause undue hardship (e.g., by creating safety risks to other employees or a significant measurable financial burden).

F. Maintaining Privacy

We maintain employee privacy regarding accommodation plans and personal health information by following the practices outlined in 10 below.

6. Manage performance

Performance management process means any process used by an employer to manage the work of individual employees or to plan, monitor and review an employee's work objectives and overall contribution to the employer's organization.

Policy Statements:

We ensure our performance management process takes into account:

- that an employee may be temporarily or permanently disabled 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 six 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 company policy or meet expectations, and offer a spoken and written warning of consequences, including disciplinary action.
- 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. Provide career development, training, internal advancement and reassignment.

Policy Statements:

When providing career development, training or opportunities for internal advancement or reassignment, we ensure the process for recruiting and selecting candidates takes into account:

- that an employee may be temporarily or permanently disabled by one or more barriers in the workplace

- an employee's individualized accommodation plan
- that the workplace accommodation provided for an employee with a disability may not fully address the workplace barrier

Our practices and measures aim to ensure that workplace accommodations do not negatively affect access to career development.

Practices and Measures:

- We recruit and select candidates based on objective criteria, such as current training, job experience, skills and number of years on the job.
- If a candidate has an individualized accommodation plan, we ensure it is adequate to address any barriers presented by the new opportunity, or we modify the plan accordingly.
- Our training program and methods for career development are accessible to all employees. If a barrier is identified, we attempt to remove or reduce it.

8. Put return to work processes in place.

A return to work process is a proactive way to help employees with disabilities and health conditions to stay at work or return to work as soon as it is safe to do so. This typically involves modifying and graduating employee duties and hours at work, according to their functional abilities.

Policy Statements:

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

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

Our return to work policy ensures reasonable accommodations for employees who are at work or absent due to a disability or health condition. We will make 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 and the [Workers Compensation Board of Manitoba \(WCB\)](#) (where involved) throughout the employees' recovery to help them maintain a connection with their workplace and to show they are valued.
- We offer meaningful and productive modified or alternate duties that are safe and within the employee's functional abilities.
- We are flexible and tailor the return to work plan to the employee's needs.
- We ensure supervisors and co-workers support employees who have been absent due to a disability, and participate in the return to work process.
- We educate staff on why returning to work is good for business and outline the expectations for supporting an employee in a modified role.
- We follow WCB's return to work process. See [Employers' Handbook for Accessible Employment](#).
- We recognize that pandemics, like COVID-19, pose serious health threats to people with pre-existing conditions, and we accommodate affected employees.

9. Provide 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 provide workplace emergency response information to all new employees and invite them to inform their manager of assistance required in an emergency. We ensure workplace emergency response information is specific to each employee's needs and the physical nature of the employee's workspace.

If you are a Manitoba Legislative Assembly employee located within the Administration Branch office (i.e. 302-386 Broadway), see [Emergency Evacuation Assistance Form](#).

If you are a Manitoba Legislative Assembly employee located within the Manitoba Legislative building (i.e. 450 Broadway), see [Emergency Evacuation Assistance Form](#).

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
- 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 building's 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 acting as fire marshal for the floor on which the employee is located during the emergency, ensures communication with these employees during the emergency by (cellphone or two-way radios).
- The person acting as fire marshal informs building security or the fire department about the number and location of employees who remain in the building.

10. Maintain privacy.

Policy Statements:

We protect the privacy and confidentiality of employee's 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.
- We protect our employees' personal information and personal health information at all times by using confidential forms or locking file storage and limiting access to managers, designated Workplace Health & Safety Representatives, and human resources only.

11. Provide training.

Policy Statements:

We provide training on how to accommodate employees with a disability to staff with the following responsibilities:

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

Training content 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 *The Accessibility for Manitobans Act*, The Human Rights Code (Manitoba), and the Accessible Employment Standard
- our organization's accessible employment policies, practices and measures, including updates or changes

Practices and Measures:

- We train new employees and management as soon as reasonably possible, and no later than one month after hiring.
- We provide refresher training regularly, including informing staff about updates to policies, practices and measures. Training is offered as needed, following updates.
- Managers maintain records of who has taken training and when.

12. 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 public website, on social media, or in newsletters
 - included in advertisements
 - Through employees, volunteers or management (in person, by phone or through recorded greetings)
- 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.
- Add any other practices or measures that are specific to your organization.

Notes:

This document is available in alternate formats, upon request.

The Manitoba Legislative Assembly thanks the Disabilities Issues Office for allowing the adaptation of their resource material for this document.

For more information, contact:

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