

# Recommendations to the Minister of Justice on an Accessibility Standard in Employment

*Submitted to the Minister of Justice  
by the Accessibility Advisory Board*

**July 2024**

The enclosed recommendations were developed by the Employment Standard Development Committee and submitted to the Accessibility Advisory Board.

The Accessibility Advisory Board reviewed the recommendations, made amendments, and approved them for submission to the Minister of Justice.

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ISBN : 978-1-77448-680-1

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# Introduction

## **Context – An Accessible Employment Standard for Nova Scotia**

Employment must be accessible in Nova Scotia. It is essential that persons with and without disabilities have equality of opportunity and choice in careers, jobs, and work. Employment that is accessible supports the success of persons with disabilities and workplaces that are inclusive create welcoming environments for all employees.

Inequities continue to exist for persons with disabilities when it comes to work and employment in Nova Scotia. Many people with disabilities want to work and are capable of working. Persons with disabilities in Nova Scotia are under-employed. According to Statistics Canada's Canadian Survey on Disability (2022), 55.5 per cent of working-age adults (those aged 25-64) with disabilities are employed, compared to 76 percent of working-age adults without disabilities. The unemployment rate (those looking for work and are not employed) for Nova Scotians with disabilities is 14.2 per cent, compared to 9.0 per cent for persons without disabilities.

Many persons with disabilities are not in the labour force, meaning they are not employed and not actively seeking employment. In Nova Scotia, 35.3 per cent of persons with disabilities are not in the labour force, compared to 16.5 percent of Nova Scotians without disabilities. This disparity, commonly described as "discouraged workers", reflects the many barriers and inequities experienced by working-aged persons with disabilities.

Persons with disabilities are also more likely to have lower incomes than persons without disabilities and live below the poverty line. The median annual after-tax income (from all sources, including work earnings and benefits from support programs) for persons with disabilities aged 25-64 years was \$34,910, compared to \$40,000 for those without disabilities (Canadian Survey on Disability, 2022).

Throughout the employment journey, persons with disabilities may encounter numerous barriers to accessibility and inclusion. These include, but are not limited to:

- Perceived stigmas and attitudes around disability in the workplace.
- Inaccessible recruitment and assessment processes.
- Lack of Information about, and availability of, individual workplace accommodations.
- Barriers to career development and advancement opportunities.
- Limited training/education on accessibility and disability in the workplace.
- Social isolation of employees with disabilities in the workplace.
- Barriers related to inflexible income support programs.

Creation of an accessible employment standard in Nova Scotia will help to prevent and remove barriers to employment faced by persons with disabilities, helping more people to enter and remain in the labour market. For employers, the benefits include diversifying the skills and talent within the organization, expanding the pool of talent available to fill labour shortages, and promoting and creating an inclusive work environment.

## Background

[Nova Scotia's Accessibility Act](#), enacted in 2017, recognizes accessibility as a human right and sets a goal of an accessible Nova Scotia by 2030. It enables the Government of Nova Scotia to develop accessibility standards in the areas of:

- Education
- Built environment
- Employment
- Information and communication
- The delivery and receipt of goods and services
- Transportation

In Fall 2021, the Government of Nova Scotia committed to developing an accessibility standard for employment. Under the Accessibility Act, the [Accessibility Advisory Board](#) makes recommendations to the Minister of Justice on standards for accessible employment. In December 2021, the Accessibility Advisory Board established the Employment Standard Development Committee (SDC) to assist them with this work.

The SDC is made up of employer representatives, representatives from organizations that provide services and supports to persons with disabilities, community members, and representatives from Government of Nova Scotia departments. Most members are persons with disabilities. A list of current and former Employment SDC members can be found in Appendix A.

## Standard Development Process

The Accessibility Act outlines the following steps for developing accessibility standards:

1. The Accessibility Advisory Board establishes a Standard Development Committee to assist them in developing recommendations on the content and implementation of standard.
2. The Standard Development Committee develops recommendations in consultation with community, sector, and government.
3. The Accessibility Advisory Board submits recommendations to the Minister of Justice. These recommendations are made publicly available.

4. The Minister prepares a proposed accessibility standard, adopting the Accessibility Advisory Board recommendations in whole, in part, or with modifications.
5. The Minister makes the proposed standard publicly available for comment for 60 days.
6. The Minister consults with the Accessibility Advisory Board with respect to any comments received, and revises the proposed standard, if necessary.
7. The Minister recommends the accessibility standard to Governor-in-Council for approval as a regulation.

## **Approach to Developing Recommendations**

Between February 2022 and September 2023, the Employment SDC met 13 times to discuss and develop recommendations for an accessible employment standard.

In addition to full committee meetings, the SDC also met as small groups to discuss the following topics:

- Career Planning and Job Search
- Recruitment, Assessment, Selection and Onboarding
- Retention and Advancement
- Workplace Accommodation and Employment Support Services
- Fair Pay and Total Compensation
- Return to Work Processes
- Disability Confident Employers

SDC members discussed the purpose and objectives for making recommendations in the topic area, the barriers experienced by persons with disabilities with respect to employment and solutions for preventing and removing the identified barriers.

In addition to committee discussions, members heard from community, sector and government representatives on key programs, policies and services, and barriers/ issues faced by persons with disabilities with respect to employment and labour market attachment. A listing of all presentations is included in Appendix B.

## **Human Rights Approach**

The SDC adopted a set of interconnected principles and values to guide its work. These principles are centred in a commitment to using a human rights lens for making accessibility standard recommendations. Disadvantages to employment for persons with disabilities stem from inaccessible structures, policies, and processes, as opposed to the disability itself. The SDC focused on environmental and attitudinal barriers that prevent people with disabilities from having equitable opportunities to employment.

Equitable access to employment for persons with disabilities is identified as a human right in the following:

- United Nations Convention on the Rights of Persons with Disabilities (Article 27, Work and Employment)
- Canadian Charter of Rights and Freedoms
- Nova Scotia Human Rights Act
- Nova Scotia Accessibility Act

## Scope of Recommendations

The SDCs recommendations are divided into two sections:

### 1. Accessibility Standard and Guidelines Recommendations for Employers

This section includes accessibility standard recommendations and guideline recommendations for employers in Nova Scotia.

- **Standard recommendations are requirements** that the SDC proposes employers must do to prevent and remove barriers to accessible employment.
- **Guidelines are recommended as best practice** for preventing and removing accessibility barriers to employment.

### 2. Recommendations for the Government of Nova Scotia

This section includes recommendations for the Government of Nova Scotia with respect to policies, programs, services, and funding. The SDC recognizes that accessibility standards alone will not achieve the goal of accessible and inclusive employment for persons with disabilities. A variety of approaches are required to meet this goal.

## Consultation & Engagement

In developing its recommendations, the Employment SDC has considered information provided through a jurisdictional review, consultations on barriers to accessible employment for persons with disabilities and presentations/discussion sessions with representatives from various sector and community organizations.

In March 2022, a series of online discussion sessions were held with persons with disabilities, representatives of organizations who work with persons with disabilities and employers. The purpose of the sessions was to identify what barriers exist to equitable employment for persons with disabilities and determine what is needed to prevent and remove barriers to employment for persons with disabilities.



In November/December 2023, the Employment SDC gathered feedback on its draft recommendations via an engagement process. This included virtual sessions, an online survey, and written submissions. Virtual sessions were conducted with employers, individuals with disabilities, and representatives of disability-focused organizations. A survey was distributed online targeting employers and persons with disabilities. Written responses were invited from industry associations and organizations that provide support and services to persons with disabilities.

## **Application and Phasing of Employment Standard Recommendations**

The Employment SDC encourages all employers in Nova Scotia to create accessible and inclusive employment opportunities and workplaces for persons with disabilities. While this is the case, the Employment SDC recognizes the potential impact of its recommendations on small employers in Nova Scotia (if adopted as regulations under the Accessibility Act).

In recognition of the potential impacts, the Employment SDC makes recommendation to the Minister of Justice that the accessible employment standard (regulations) be enacted in a phased approach, with specific exemptions for small employers (those with fewer than 49 employees).

Note that these recommendations for phasing and exemptions apply to Section 1 (standard and guideline recommendations) only.

Employers include any organization in Nova Scotia that employs 1 or more persons. This includes the Government of Nova Scotia (including Agencies, Boards and Commissions), prescribed public sector bodies (under the Accessibility Act) and businesses/non-profit organizations.

Employee includes any person undertaking work for an employer. This includes permanent, temporary and contract employees.

1. It is recommended that all employers meet the following accessibility employment standard requirements within 1-year of being enacted as regulations under the Accessibility Act.
  - Standard 1.1: Workplace Evacuation/Shelter-in-Place Plans
  - Standard 1.2: Emergency Response information
2. It is recommended that the Government of Nova Scotia meet all other accessibility employment standard requirements within 1-year of being enacted as regulations under the Accessibility Act.
3. It is recommended that employers with 100 or more employees meet all other accessibility employment standard requirements within 2 years of being enacted under the Accessibility Act.

4. It is recommended that employers with 50 to 99 employees meet all other accessibility employment standard requirements within 3 years of being enacted under the Accessibility Act.
5. It is recommended that employers with 49 or fewer employees meet the accessibility employment standard requirements within 3 years of being enacted under the Accessibility Act, with the following exemptions:
  - Standard 1.3: Workplace Accessibility Policy Development
  - Standard 1.4: Accessible Materials
  - Standard 1.16: Workplace and Job Accommodation Policy
  - Standard 1.17: Individual Accommodation Plans
  - Standard 1.18: Training and Education to Build Disability Confident Employers
  - Standard 1.19: Performance Management
  - Standard 1.21: Leadership Accountability
  - Standard 1.24: Return-to-Work-Policy
  - Standard 1.25: Job Analysis Prior to Return-to-Work
  - Standard 1.27: Developing a Collaborative Return-to-Work Plan

### **Recognition for Small Employers**

Some small employers may wish to meet all accessibility employment standard requirements. The Employment SDC recommends that such employers receive recognition for their efforts to be an accessible and inclusive employer. There are various options for implementing a recognition initiative including via the proposed Disability Confident Employer Panel or via the Accessibility Directorate.

### **Accountability and Support for Compliance with the Accessible Employment Standard**

It is imperative that employers are provided with comprehensive tools, templates, training, and resources, to meet the accessibility employment standard requirements (Section 1 recommendations), when enacted under the Accessibility Act. These resources must be developed and available to employers within 1 year of the accessibility employment standard requirements being enacted.

Recommendation 2.19 provides further detail on the types of tools, templates, training, and resources required by employers.

# Section 1:

## Recommendations for Employers

### Emergency Preparedness

Emergencies in the workplace happen. A part of being prepared is ensuring every individual can evacuate quickly and safely. Creating a space that is safe begins with ensuring that the building is universally accessible. Creating spaces that everyone can navigate independently allows independence when evacuating in an emergency situation.

The Employment SDC prioritizes creation of accessible and inclusive approaches to workplace evacuation and shelter-in-place protocols.

Creation of individualized workplace evacuation/shelter-in-place plans help ensure employees with disabilities stay safe during emergencies.

#### Standard 1.1: Workplace Evacuation/Shelter-in-Place Plans

Employers must ensure that up-to-date evacuation/shelter-in-place plans are developed within their workplace. Workplace evacuation/shelter-in-place plans must be developed collaboratively by building occupants and employees, including those with disabilities; businesses and employers; facility managers and owners; and emergency personnel (ex. firefighters).

Employers shall tailor the evacuation plan to individual needs for persons with self-disclosed accessibility requirements. These plans shall detail what the employee may require during a workplace evacuation/shelter-in-place situation.

- a. It is the responsibility of the employer to ensure that any persons managing or supervising employees with self-disclosed accessibility requirements are aware of what assistance those employees need during an evacuation or shelter-in-place situation.
- b. Individualized workplace evacuation/shelter-in-place plans shall be developed in collaboration with the employee in advance of an emergency. The individualized workplace evaluation/shelter-in-place plan will be shared with those who are responsible for executing the plan during an evacuation/shelter-in-place situation.
- c. Employers must integrate universal accessibility principles into workplace evacuation/shelter-in-place plans to ensure they are broadly applicable for persons with disabilities.'

**Note:** Section 2, Recommendation 2.8 recommends that Government of Nova Scotia provide grant funding to small employers to conduct workplace assessments and develop plans in support of emergency evacuation/shelter-in-place planning for persons with disabilities.

## **Standard 1.2: Emergency Response Information**

Employers shall ensure that emergency response information (information on what to do in the event of a workplace emergency) is provided to employees in a variety of ways. This includes accessible formats and real-time accessibility services.

## **Workplace Accessibility Policy**

The Employment SDC prioritizes the creation of accessible, flexible, and inclusive workplaces through proactive prevention and removal of barriers during the recruitment, assessment, and selection process and within the workplace. Development and implementation of an accessibility policy emphasizes the importance of preventing and removing barriers to employment.

## **Standard 1.3: Workplace Accessibility Policy Development**

Employers shall develop a workplace accessibility policy that includes:

- a.** A commitment to identifying, preventing, and removing barriers to accessibility in the workplace.
- b.** A commitment to fulfilling the requirements of the accessibility employment standard, under the Accessibility Act.
- c.** A process for measuring and evaluating progress toward preventing and removing barriers to accessibility.

Employers shall ensure that persons with disabilities are involved and consulted in the development of a workplace accessibility policy, document the policy, and make it available, in accessible formats, and via real-time accessibility services, to current and prospective employees.

Employers prescribed as public sector bodies may develop the Workplace Accessibility Policy as part of, or as a companion to, its 3-year accessibility plan (as required under the Accessibility Act).

**Note:** Recommendation 2.19 states that the Government of Nova Scotia must provide templates and resources to employers for creating accessibility policies according to the employment standard.

## **Recruitment, Assessment, Selection and Onboarding**

Recruitment, assessment, selection, and onboarding processes that are accessible enable employers to diversify their workforce, reach qualified applicants and reduce the likelihood of disability discrimination in hiring. Using accessible formats and real-time accessibility services for recruitment, assessment, selection, and onboarding will not only benefit persons with disabilities, but all those interested in applying.

### **Standard 1.4: Accessible Materials**

Employers shall ensure that materials used in recruitment, assessment, selection, and onboarding are available in formats accessible to persons with disabilities, based on the requirements of the individual applicant. This includes sign language-spoken language interpretation and other real-time accessibility services. This includes:

- a. Any communication between employer and applicant throughout the recruitment, assessment, selection, and onboarding process.
- b. Assessment materials (including assessment tests and interview materials).
- c. Forms and materials used during employee recruitment, assessment, selection, and onboarding.
- d. Third party forms (benefits documents, tax forms, banking documents).
  - a. Where third party forms are not available in accessible formats, employers shall provide assistance in completing forms, if requested by the employee.

### **Standard 1.5: Job Descriptions and Job Advertisement Review**

Employers shall ensure that job postings or job advertisements only list as requirements the essential qualifications and skills that are necessary for performing the job. Employers shall review job descriptions (and corresponding job postings) regularly.

### **Standard 1.6: Accessible Online Platforms**

Employers shall ensure that their digital platforms and systems used for recruitment (internal and external) are accessible.

### **Standard 1.7: Accessible Online Job Postings**

Employers shall ensure that jobs advertised online are posted on at least one accessible website or job search platform. Online job postings must be easily discoverable via most common search engines.

**Note:** Examples of accessible websites include Facebook, [www.JobBank.gc.ca](http://www.JobBank.gc.ca), Workopolis, Indeed and Eluta. Common search engines include Google, Bing.

## **Guidelines for Best Practice: Accessible Online Job Postings**

Employers should ensure that all job postings or job ads are publicly posted.

Employers should ensure that job postings or job ads are written in inclusive and plain language.

### **Standard 1.8: Transparency and Proactive Communication**

Employers shall provide information to employees and potential candidates about accessibility, inclusion, and accommodations during recruitment, assessment, selection, and onboarding processes. This includes:

- a.** Communicating this information in job postings; during job fairs or during any event where the employer is accepting applications and when contacting potential candidates to offer an interview.
- b.** Communicating to applicants selected for assessment or interview, which policies and processes the employer has in place to prevent and remove barriers to accessibility during the assessment and selection process.
- c.** A statement included in job ads that indicates individual accommodations and real-time accessibility services can be arranged for all stages of the recruitment process (recruitment, assessment, selection).
- d.** Providing contact information in job advertisements for an applicant to obtain information on individual accommodation during the interview process, if required. Alternatively, employers can ask the applicant to leave their information, so the organization is able to reach out to the applicant to provide information on individual accommodation.

### **Standard 1.9: Human Resource Information Systems (HRIS)**

Employers, when selecting an HRIS system, shall identify and establish accessibility criteria for selecting the system, to support their accessibility objectives. Potential HRIS systems shall be reviewed and assessed using accessibility criteria to identify, prevent, and remove barriers for employees with disabilities.

### **Standard 1.10: Applicant Tracking Systems (ATS) and Artificial Intelligence (AI)**

Employers using automated systems such as Application Tracking Systems (ATS) and Artificial Intelligence (AI) for recruitment, assessment and selection must take reasonable steps to ensure the ATS or AI is not discriminatory to applicants with disabilities. Reasonable steps may include reviewing available literature/research on accessible Applicant Tracking Systems, selecting systems that do not create discriminatory barriers for persons with disabilities, and/or using supplementary systems if discrimination is identified.

### **Standard 1.11: Responding to Applicant Assessment Requests**

Employers shall consider requests, by applicants who have been selected for an interview, for alternative methods of assessment. For example, this may include:

- a. Alternatives to online testing. This may include print, captioned video, sign language materials, and incorporation of other real-time accessibility services.
- b. Providing options for working interviews (e.g. opportunity to work on the floor, complete a work sample). Applicants participating in a working interview that extends beyond 2 hours should be compensated, regardless of whether they advance in the process. For unpaid interviews, the duration should not exceed 2 hours.
- c. Allowing candidates to respond to interview questions in writing.

### **Guidelines for Best Practice: Responding to Applicant Assessment Requests**

Employers should consider flexible assessment methods during the selection process based on a diversity of candidates. Testing during the selection process should be necessary and relevant to the job.

### **Standard 1.12: Statement of Commitment**

Employers shall develop a statement of commitment to accessibility, equity, and inclusion and this statement shall be included in recruitment processes and job advertisements.

### **Standard 1.13: Interviews and Assessments**

Employers, when setting up interviews and assessments shall:

- a. Provide information on getting to the interview location, any building accessibility features including location of accessible parking.
- b. Provide an estimate of the interview duration and expected end time.
- c. Check to see if real-time accessibility services may be needed and arrange for those ahead of time. Ask all candidates if they require accessibility information or need any individualized accommodation during the interview/selection process.

### **Standard 1.14: Onboarding**

Employers shall arrange, for new employees, an orientation to the organization, the work environment, and the job.

Employers shall ensure that information essential to the job and workplace is communicated and made available to new employees in accessible formats, as required. This may include job instructions, work manuals, workplace policies, information on staff rules, grievance procedures and health and safety procedures.

## Guidelines for Best Practice in Recruitment, Assessment, Selection and Onboarding

**Inclusion Through Collaboration:** Employers should include advice and input from persons with disabilities in their recruitment, assessment, selection, and onboarding policies, processes, and procedures. This advice may come from current staff, or via persons outside of the organization including employer engagement specialists through employment support/services organizations.

**Strengthening Partnerships:** Employers should seek opportunities for collaboration and partnership with organizations that offer services and supports to persons with disabilities when developing recruitment, assessment, and selection strategies.

**Interview Questions:** Employers, if using interviews for selection processes, should:

- a. Focus interview questions on determining how the candidate will apply their skills to perform job tasks and core competencies and apply their ability to perform specific job functions.
- b. Avoid questions that would require a candidate to disclose a disability either directly or indirectly.
- c. Ensure candidates are not disqualified if they are unable to perform non-essential job functions.
- d. Provide information about the format/structure of the interview and/or providing the interview questions in advance.
- e. Be prepared to work with real-time accessibility services during the interview.

**Note:** Recommendation 2.19 states that the Government of Nova Scotia must provide templates and resources to employers to assist them in undertaking accessible and inclusive recruitment, assessment, selection, and onboarding processes.

## Workplace and Job Accommodation

Providing workplace accommodation, to the point of undue hardship, is a requirement of the Nova Scotia Humans Rights Act.

Individualized workplace accommodation may be needed due to barriers faced by persons with disabilities during the recruitment, assessment, and selection process or within the work environment.

Workplace accessibility planning and individualized accommodation are necessary to ensure that persons with disabilities have equal opportunity with respect to recruitment, assessment, and selection processes. It is also necessary to ensure that a qualified



individual with a disability can perform the essential functions of a job and make it possible for employees with disabilities to enjoy equal benefits of employment.

### **Standard 1.15: Providing Workplace and Job Accommodation**

Employers shall ensure the provision of reasonable accessibility services and accommodations to applicants and employees with disabilities. Providing workplace accommodation to the point of undue hardship is a requirement of the Nova Scotia Human Rights Act. Employers shall provide reasonable accommodation:

- a. At the request of any applicant or employee who makes disclosure to the employer about requirement for individual accommodations.
- b. During the assessment and selection process, if required for an applicant to access the materials or activities used in the assessment.
- c. During the course of employment, if required for an employee to perform their employment responsibilities.
- d. When considering current employees for internal opportunities or advancement.

### **Standard 1.16: Workplace and Job Accommodation Policy**

Employers shall establish and maintain a workplace accommodation policy that ensures the provision of reasonable accommodations to applicants and employees with disabilities. The policy shall be shared with current and new employees and include the following:

- a. Statement of commitment to accessibility, inclusion, and creation of an accessible workplace.
- b. How individual accommodations and real-time accessibility services will be determined and provided during all stages of the employment process (recruitment, assessment, selection, onboarding and throughout an employee's tenure with the organization).
- c. Information on disability disclosure including how applicants and employees can disclose, what employers will do with disclosure information, how it is kept confidential, how they use it to prevent and remove barriers to workplace accessibility.
- d. Process for development of individual accommodation plans.
- e. How workplace information will be provided in accessible formats and via real time accessibility services
- f. Schedule for policy review.
- g. How the organization will prioritize individuals with a disability in workplace discussions about accommodations.

## **Guidelines for Best Practice: Workplace and Job Accommodation Policy**

Employers should include persons with disabilities in the writing and review of its workplace accommodation policy.

**Note:** Recommendation 2.19 states that the Government of Nova Scotia must provide templates and resources to employers to assist them in creating workplace accommodation policies.

### **Standard 1.17: Individual Accommodation Plans**

Persons with disabilities shall be included, and prioritized, in discussions regarding accessibility and accommodation in the workplace. They must define what is included in the development of their own individual accommodation plan and what workplace accommodations and accessibility services are required.

Individual accommodation plans shall include:

- a. The employee's name and title or department.
- b. The manager or supervisor's name, and title or department.
- c. The plan must list individual accommodations and real time accessibility services that would allow the employee to perform their job functions.
- d. The plan should then outline strategies for these individual accommodations and provision of real time accessibility services
- e. Actions needed to implement these strategies.
- f. When accommodations and/or provision of real time accessibility services should start, and when they should end, if applicable.
- g. How the employer will provide workplace information, in accessible formats or real time accessibility services, if required.
- h. When or how often the plan will be reviewed and updated.

Individual accommodation plans shall minimize the amount of medical information requested, with aim to respecting employee privacy and confidentiality. Employers shall not request information that does not relate to the job functions.

Copies of individual accommodation plans shall be kept on file by the employee and employer and revisited, as needed or as directed by the employee. The employer shall keep an employees personal and medical information secure and confidential.

**Note:** Recommendation 2.19 states that the Government of Nova Scotia must provide templates and resources to employers to assist them in creating individual accommodation plans.

## Employee Retention and Advancement

Retention, including career advancement, is one of the key stages of the employment journey. After hiring, focus shifts to employee retention and providing opportunities for career development and/or advancement. Creating an environment where all employees feel respected and appreciated will benefit all employees.

### **Standard 1.18: Training and Education to Build Disability Confident Employers**

Employers shall provide mandatory training for staff to increase awareness and educate staff on resources, tools, and best practices in cultivating a workplace culture that promotes inclusion and support for persons with disabilities.

Employers shall provide training to employees responsible for:

- a. Recruitment, assessment, and selection of employees.
- b. Managing and supervising employees.
- c. Those involved in development of organizational employment policy and procedures.

Employers shall keep a record of training. This record must include a description of training content and whether it has been completed by required employees.

Training shall be available in accessible formats, as required.

### **Guidelines For Best Practice:**

#### **Training and Education to Build Disability Confident Employers**

Training for employees responsible for recruitment, assessment, and selection; managing and supervising employees and those involved in development of organizational employment policy and procedures should include the following topics:

- a. Information on the Accessibility Act, the Nova Scotia Human Rights Act, United Nations Convention of the Rights of Persons with Disabilities (Article 27) and requirements of the accessible employment standard (regulations).
- b. Information on disability, barriers to accessibility in the workplace, individual accommodations, accessible formats etc.
- c. Instruction on providing individual accommodations and the types of accommodations that may be requested by persons with disabilities.
- d. Education around fair wage, employment equity and minimum wage.
- e. An understanding of the impact of misinformation and stigmas related to disability.
- f. Training to support culture of inclusion and employee growth.

Employers should provide training and education opportunities for all employees. Training that is available to all employees should include:

- a. How to interact and effectively communicate with a variety of persons with disabilities.
- b. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.

Employers should provide regular opportunities, beyond training, for all employees to learn about inclusion, diversity, equity, accessibility, and an understanding of the impacts of stigmatizing attitudes, beliefs and behaviours that lead to misinformation about disability in the workplace. Examples of opportunities include employer participation in Access Awareness Week (early June), Disability Employment Awareness Month (October), International Day for Persons with Disabilities (December 3rd) and/or organization of lunch and learns focused on specific workplace accessibility topics.

Employers should include employees with disabilities or organizations that work with persons with disabilities in the development of these opportunities.

### **Standard 1.19: Performance Management**

Employers shall ensure that any performance management process undertaken considers the accessibility needs of employees, tracks their completion of training or education opportunities, and recognizes any individual workplace accommodation plans in place for the employee.

Performance management policies and processes shall include:

- a. Acknowledgement that performance issues may be the result of barriers to accessibility in the workplace for persons with disabilities.
- b. Include clear written expectations with respect to employee performance.
- c. Detail how employee and their manager or supervisor will routinely communicate to address accessibility barriers that may be impacting employee performance.
- d. Opportunities for skill development, career advancement and/or promotion if the employee is interested.

### **Guidelines for Best Practice: Personal Development Plans**

Employers should work with all employees to create a personal development plan. Once developed, copies of an employee's personal development plan should be kept on file by the employee and employer and revisited annually. Personal development plans may include:

- a. Stretch opportunities.
- b. Learning opportunities (for example internal and external development opportunities, such as, but not limited to, job shadowing, mentorship, attending training, conferences or workshops, and volunteering on committees).
- c. Opportunities to leverage strengths and opportunities to develop areas of improvement.
- d. Opportunities for skill development, career advancement and/or promotion if the employee is interested.

**Note:** Section 2, Recommendation 2.19 recommends the Government of Nova Scotia offer templates and resources to employers creating personal development plans.

### **Guidelines for Best Practice: Workplace Mentorship Program**

Employers should establish a workplace mentorship program for all employees starting a new position, those interested in advancement within the organization, or those participating in stretch opportunities.

Employers should provide resources to build capacity for existing staff to provide coaching and mentorship to employees with disabilities.

### **Standard 1.20: Career Development Opportunities**

Employers shall ensure that opportunities for career development, training, internal advancement, or reassignment consider the accessibility needs and skills of employees and recognize any individual workplace accommodation plans in place. Opportunities for career development and internal advancement must be offered equitably to all employees of an organization.

### **Standard 1.21: Leadership Accountability**

Employers shall integrate goals for accessibility and inclusion into performance management plans at senior levels, with the aim of creating an inclusive and accessible workplace for persons with disabilities.

Performance management and evaluation for senior leaders shall include performance targets that outline how they (senior leaders) will create an inclusive and accessible workplace for persons with disabilities. Senior leaders shall also ensure that performance goals are built into performance management and evaluation for other managers, supervisors, and staff.

Performance management and evaluation for senior leaders and persons responsible for managing and supervising staff shall include opportunities for professional development on accessibility and disability awareness.

### **Standard 1.22: Enhancing Accessibility for Mandatory Documents**

Employers shall provide support to employees when it comes to completing mandatory forms or materials provided by third parties (benefits documents, tax forms, and banking documents etc.) Examples of support provided by an employer, or a third party include:

- a. Ensuring that the required documents are made available in accessible formats, as required.
- b. Providing guidance and assistance to employees in understanding and filling out forms correctly. This could involve explaining the content of documents, answering questions, and offering any necessary clarifications.
- c. Providing accessible communication options, such as sign language interpreters or captioning services.
- d. Making reasonable accommodations to enable employees with disabilities to effectively access and complete the mandatory forms. This could involve modifying workstations, providing assistive technology, or allowing additional time for completion.

### **Standard 1.23: Job Exit**

Employers shall take reasonable steps to gather information on job exits and this must apply to employees with and without disabilities.

Employers shall use information gathered via job exit procedures to identify job exit trends and improve the retention of employees with disabilities.

### **Additional Guidelines for Best Practice in Employee Retention and Advancement**

**Inclusive Team Building:** Employers should ensure that team-building opportunities (activities during or outside of work hours that bring employees together) are inclusive and accessible.

- a. Employees with disabilities, if they wish, should be involved in the development and planning of team-building opportunities. Examples of these activities might include engaging in a sport activity, an outing to an event, sharing a meal, or volunteering.

**Employee Affinity Groups:** Employers should establish an affinity group that champions the inclusion of persons with disabilities in the workplace. Affinity groups are most effective if they are:

- a. employee led, by employees with disabilities.
- b. recognized and promoted by the employer.
- c. supported financially by the employer.

## Return-to-Work

Return-to-work processes are intended to provide support for employees who have been absent from work for an extended period. This may be because of, but not limited to, disability and/or illness, maternity or parental leave, or bereavement. An accessible workplace with documented return-to-work processes is an important component of a workplace that values and supports employees with disabilities.

### Standard 1.24: Return-to-Work Policy

This recommendation is not intended to overlap or replace the requirements of the *Nova Scotia Workers Compensation Act* and/or collective agreements with respect to return-to-work policies and procedures.

Employers shall develop, implement, and maintain a return-to-work policy for all employees, including those employees with a disability. This policy shall include clarification of:

- a. Employee rights, including the rights of those employees with a disability, with respect to what information needs to be shared with their employer.
- b. The process and commitment to providing necessary individual workplace accommodations to employees who are returning to work after being absent, including those employees with a disability.

### Guidelines for Best Practice: Return-to-Work Policy

To ensure a comprehensive return-to-work policy, employers should include the following elements:

- a. How the employee/employer will communicate during an employee absence due to disability and a contact for employees to reach out to during their time away from work.
- b. Description of the processes the employer will follow to facilitate the return to work of employees who have been absent due to a disability.
- c. Creation of a return-to-work plan in collaboration with the employee.
- d. Information on how to request individual accommodations when returning to work because of a disability.
- e. An employee's direct manager should sign off on their return-to-work plan.

It is recommended that these elements are included in addition to information on legislated rights regarding information disclosure and the provision of individual accommodations for employees returning to work after a disability.

**Note:** Recommendation 2.19 states that the Government of Nova Scotia must provide templates and resources to employers to assist them in developing a return-to-work policy.

### **Standard 1.25: Job Analysis Prior to Return-to-Work**

Employers shall facilitate a job analysis prior to employees return to work following a disability. The job analysis shall include an assessment and evaluation of physical job duties, as well as other sensory and cognitive requirements of the job.

### **Guidelines for Best Practices: Job Analysis Prior to Return-to-Work**

Job analysis facilitated by employers prior to employees return to work following a disability may include considerations such as types of communication (i.e. unique communication needs), exposure to conflict, and the nature of employee contact with others.

### **Standard 1.26: Collaborative and Flexible Return-to-Work**

Employers shall make employees aware that they have options for a flexible transition period for return-to-work, such as a gradual reintroduction to the workplace.

### **Standard 1.27: Developing a Collaborative Return-to-Work-Plan**

Employers must work with the employee to develop a return-to-work plan and employers and employees must have copies of the return-to-work plan.

### **Additional Guidelines for Best Practice in Return-to-Work Return-to Work-Plans**

Employers should ensure that return-to-work plans include:

- a. An onboarding process for anyone who has been away from the workplace for an extended period [more than 3 months].
- b. Information on how employees returning to work will be informed of any changes in the workplace including, but not limited to, new policies, changes to employees or new staff, or changes to the environment.
- c. Process for ensuring a job analysis is conducted and how the information from the job analysis and individual accommodation plans will be used.
- d. Timelines and milestones for performance expectations and review if there is a flexible or gradual reintroduction to work.
- e. The employee should be included in the development of their return-to-work plan.

### **Support for Managing Employees Return-to-Work - Supervisor Training**

Training on return-to-work processes should be provided to employees who manage or supervise individuals returning to work, those who are involved in organizational employment policy and procedures development and those responsible for human resources and case management. This training should include:

- a. Instruction on providing individual accommodations and the types of accommodations that may be requested by persons with disabilities.



- b. Information related to employee privacy and disclosure, including that employees do not need to disclose specific diagnoses, only those which create the need for individual accommodation.

Employers should keep a record of training. This record should include a description of training content and whether it has been completed by required employees. Training must be available in accessible formats.

**Collaborative Approach in Return-to-Work Planning**

Employers and employees should collaborate in the return-to-work process. Collaboration may include partners such as, but not limited to, human resources, labour relations, unions, medical practitioners, the workers' compensation board, or insurers.

# Section 2:

## Recommendations for the Government of Nova Scotia

This section includes recommendations for the Government of Nova Scotia with respect to policies, programs, services, and funding. These recommendations are made with the goal of ensuring successful implementation of future employment accessibility standards, as well as the recognition that accessibility standards alone will not achieve the goal of accessible and inclusive employment for persons with disabilities.

### System Level Recommendations

#### 2.1: Unified Employment Programs: Enhancing Inclusivity

The Government of Nova Scotia shall explore ways to coordinate funding for all provincial employment programs. The intention is to increase collaboration, break down silos, improve navigation of the system, and ensure that all Nova Scotians, especially those most vulnerable to exclusion, have equitable access to employment programs and services, including supported employment, and ultimately the labour market.

#### 2.2: Employment Programming Review

The Government of Nova Scotia shall review all employment programs and services. The review shall involve first voice representation of persons with disabilities, including representation and input from those most at risk of exclusion from the labour market. The review should include:

- a. A review of eligibility criteria for accessing programs, with the aim to removing exclusionary criteria.
- b. Examining programs that provide employment supports and services for persons with disabilities, with the aim of ensuring these supports and services are:
  - available across the span of an individual's career (from career planning and exploration to on-the-job supports and services)
  - accessible to those at highest risk of exclusion from the labour market (as defined by Statistics Canada).

This should include job development and retention supports, transition supports, and skill development.

- c.** Assessment of gaps within existing programs/funding/grant programs to:
  - Increase availability of funding for employers to create accessible work environments.
  - increase availability of funding for persons with disabilities to obtain the required supports needed to work.
- d.** Evaluation of the Let's Talk Careers Program delivered by the Department of Labour, Skills, and Immigration and jointly funded by the Department of Labour, Skills, and Immigration and Education and Early Childhood Development. This evaluation should aim to assess the program's efficacy in meeting the specific needs of individuals with disabilities and their families. The findings should inform necessary improvements to ensure that the program facilitates informed career choices for this demographic.
- e.** Review of the Family Pharmacare Program and the Seniors Pharmacare Program, delivered by the Department of Health and Wellness, in the context of barriers faced by persons with disabilities who are transitioning to the labour market (or those working part-time) from Income Assistance or Disability Support Program pharmacare benefits. Identified barriers include higher deductibles and higher out of pocket co-pay for these programs.
- f.** Review and removal of wage exemption limits within the Disability Support Program Policy (section 5.5.56) for participants who are earning income from wages, tips, gratuities, commissions, or net business income. Disability Support Program participants must be able to work to their capacity without jeopardizing their status within the program. The Disability Support Program must be understood as an individual accommodation rather than an income benefit.
- g.** Review of the Workplace Support Program (including the Workplace Attendance and Technical Aid Stream). This review shall:
  - i. Include, and prioritize, first voice (persons with disabilities) in the program review.
  - ii. Assess program eligibility, with the aim of reducing the threshold for the employment attendant component from a minimum of 20 hours to a minimum of 5 hours.
  - iii. Examine maximum income thresholds and maximum funding amounts for the Technical Aid component to address the barriers experienced by funded recipients who currently may be supplementing costs in addition to approved funding. There must be a process in place for regular reviews, in line with cost-of-living increases and inflation.
  - iv. Assess potential expansion of additional funding components to include career advancement and job coach supports.

- v. Develop policies and processes to address exceptional circumstances such as funded recipient under Employment Attendant component requires leave of absence, overtime hours etc. The aim would be to ensure that funded recipients do not face additional barriers due to situations outside of their control.

### **2.3: Intersectional Accessibility Lens**

The Government of Nova Scotia shall develop and use an intersectional accessibility lens for new and existing policy, program, and service development. This recommendation is consistent with the 2022-2025 Government of Nova Scotia Accessibility Plan commitment to build accessibility into policy and planning using an intersectional accessibility lens. This lens shall:

- a. be used in developing and/or evaluating any Government of Nova Scotia legislation, policy, funding streams, programs, or services, intended to support attachment to the labour market or provide employment supports for persons with disabilities.
- b. consider all aspects of disability including barriers to accessibility for persons with disabilities.
- c. be created with the input and involvement of persons with disabilities (first voice and lived experience representation), following best practices for equity, diversity, anti-racism and inclusion (in line with the Nova Scotia Equity and Anti-Racism Strategy).

### **2.4: Definition of 'Employee' – Nova Scotia Labour Standards Code**

The definition of employee, as contained in the Nova Scotia Labour Standards Code, shall be reviewed, and amended to ensure clarity around when work is considered employment and when it is not considered employment. This review should consider the following characteristics:

- a. An employee being a person who is working under the direction and control of the employer.
- b. Inability for the individual to undertake other activities or pursuits while performing work duties or during work hours.
- c. Being assigned tasks by the employer and the tasks benefiting the employer.
- d. Stipulations around work hours, time off and arrival/departure times from the place where the individual is completing work.
- e. Individuals may face repercussions for not completing tasks or declining to participate.
- f. It shall also clarify that training for the purpose of completing a job or task for the benefit of the employer is considered employment and a person completing this training is considered an employee.

## **2.5: Equitable Compensation**

Persons with disabilities working in Nova Scotia shall be compensated in accordance with the Nova Scotia Labour Standards Code and the Nova Scotia Minimum Wage Order – General.

The Nova Scotia Labour Standards Code should be amended to remove Section 2e of the Minimum Wage Order – General (regulations under the Labour Standards Code), which exempts from the minimum wage order, “all persons receiving training under government sponsored and government approved plans.”

## **2.6: Employment Leadership Network - Championing Disability Confident Workplaces**

The Government of Nova Scotia shall fund and establish, an Employment Leadership Network of business and organizational leaders, who lead by example and champion more accessible, inclusive workplaces in Nova Scotia. The Employment Leadership Network would be responsible for:

- a. Engaging with employers across Nova Scotia to increase employment opportunities for persons with disabilities.
- b. Advising the Government of Nova Scotia on key issues and practices related to the creation of accessible and inclusive workplaces for persons with disabilities.

In addition, beyond the Accessible Employment Leadership Network a “Community of Practice” should be established, of employers who have publicly committed to hiring persons with disabilities and becoming more accessible and inclusive in employment practices.

Members of the Community of Practice would meet regularly to connect and share best practice and experiences, participate in training/education and build accountability for creating accessible and inclusive workplaces.

## **2.7: Employer Audits**

The Government of Nova Scotia, as part of its compliance and enforcement efforts under the Accessibility Act, shall utilize audits to monitor compliance of the employment accessibility standards.

## **Emergency Preparedness**

### **2.8: Enhancing Safety Plans - Funding for Employers**

The Government of Nova Scotia shall establish a program to provide grant funding to small employers (under 99 employees) to conduct workplace assessments and develop plans in support of emergency evacuation/shelter-in-place planning for persons with disabilities.

## **Career Exploration, Job Search, and Transition**

### **2.9: Wage Subsidy Eligibility**

The Government of Nova Scotia shall focus wage subsidy program eligibility for employers who demonstrate a plan, including available budget, for providing ongoing paid employment at the end of the wage subsidy period (including for those who are in receipt of income assistance) or, when wage subsidies are used as a tool for labour market attachment or seasonal employment, they shall prioritize individuals who:

- a.** have little or no previous experience in the workplace, or
- b.** are seeking short-term employment, or
- c.** are seeking employment for the purposes of job/career exploration, or
- d.** have been out of the labour market for longer than 6 months.

### **2.10: Improving Career Guidance for Students with Disabilities**

The Departments of Education and Early Childhood Development, as well as the Department of Labour, Skills and Immigration shall provide comprehensive guidance on careers, career planning, and transitioning, specifically tailored to students with disabilities. This guidance should encompass the following aspects:

- a.** Training on strategies to counteract stigmatizing attitudes and behaviours surrounding disability, fostering a more inclusive and supportive environment.
- b.** Information on available employment service providers and support systems specifically designed to assist individuals with disabilities. This will ensure that they can access the necessary resources for successful career development.
- c.** Information for students with disabilities to help them consider future adaptations, accommodations, and innovative approaches that may be required in various job settings. Promoting forward-thinking approach will enable them to anticipate the tools and supports they may need to fulfill job responsibilities effectively.

### **2.11: Accessible Career Resources for Individuals and Parents/ Caregivers**

The Government of Nova Scotia shall increase the availability and accessibility of tools and training to support persons with disabilities and parents/caregivers as they undertake career exploration and career planning.

- a.** Nova Scotia Regional Centre's for Education (RCEs), CSAP and Post-secondary institutions shall work with students with disabilities to identify their support network and a person-directed support plan in relation to career exploration and first job opportunities. Post-secondary institutions shall also connect students with disabilities to the business community and increase the amount of co-op placements.

- b.** The Government of Nova Scotia will provide training for parents/caregivers to allow them to support persons with disabilities as they transition from publicly funded schools to the workforce. This training should be funded by the Government of Nova Scotia and delivered by local support organizations. It should include:
  - building independence;
  - the right to make decisions;
  - information on the Labour Standards Code (minimum wage requirements);
  - fair pay and differences between volunteering and employment.

### **2.12: Early Career Exploration for Youth with Disabilities**

The Government of Nova Scotia shall increase opportunities for youth with disabilities to engage in early career exploration and employment by providing funding to support increased opportunities including:

- a.** Targeted summer employment programs for youth with disabilities.
- b.** Ensuring necessary support for students with disabilities to participate in “Take our Kids to Work Day.”
- c.** Targeted career days or networking opportunities for students with disabilities (Reverse job fairs, symposiums, conferences).
- d.** Student work experiences in junior high school, high school, and post-secondary education. (Example Programs: Labour, Skills and Immigration Summer Skills program; Co-op Programs)
- e.** Funding to organizations that specialize in providing supports to persons with disabilities to provide youth transition programs and supported employment experiences for youth.

Educational institutions shall provide opportunities (education, co-op opportunities, mentorship and other employment and training opportunities) to young persons with disabilities to enhance their capacity and ability to participate in the labour force.

### **2.13: Funding for Key Youth Transition Programs**

The Government of Nova Scotia shall expand and continue to fund key job search or exploration programs such as the Nova Scotia Works School Liaison program, the University Work Integrated Learning program and programs that explore person directed planning.

- a.** The Government of Nova Scotia shall review the Nova Scotia Works School Liaison (NSWSL) program to ensure that high school students with disabilities have equitable access to information about the labour market and employment opportunities. The review should ensure that staff for these programs have training to support students with disabilities and that students with disabilities are utilizing

the program (for example, awareness of the program is high and any barriers to participating in the program are identified and addressed).

- b.** The Government of Nova Scotia shall work with universities to explore expansion of the University Work Integrated Learning program to all provincial universities and the NSCC and create designated seats for students with disabilities.
- c.** The Government of Nova Scotia should ensure funding is available to establish or expand programs that support person-directed planning for persons with disabilities who are leaving school or facing a life transition (for example, employment), with the aim of helping more persons with disabilities discover and work toward their vision of a positive and meaningful life. This process should be available throughout Nova Scotia.

#### **2.14: Addressing Disability Support Gaps During Transitions**

The Department of Community Services shall remove barriers for persons with disabilities who experience gaps in support when they transition between employment statuses. This shall include options for a “rapid return to support” for individuals with disabilities who are no longer employed.

#### **2.15: Support for Nova Scotia Works centres**

The Government of Nova Scotia shall ensure that all Nova Scotia Works centres are funded to provide a baseline level of programs and services that are accessible to persons with disabilities. This includes accessible job search terminals, staff resources on accessibility and disability, availability of assistive technology to allow people to work independently and accessible programming.

#### **2.16: Capacity Building at Employment Service Centres**

The Government of Nova Scotia must provide funding to employment service centers and the Nova Scotia Career Development Association (NSCDA) to build capacity with respect to providing employment support and services to persons with disabilities. This may include:

- a.** Increased training/education on working with individuals with specific disabilities, trauma-informed care, and an understanding of barriers to inclusion.
- b.** Funded partnerships with organizations that have expertise in employment supports and services for persons with disabilities.

#### **2.17: Financial Literacy**

The Government of Nova Scotia shall ensure that individuals with disabilities have access to education/training to build financial literacy skills. This includes information on the Labour Standards Code (minimum wage requirements), fair pay and differences between volunteering and employment. This training shall be provided in accessible formats, including plain language.



## Return-to-Work

### **Recommendation 2.18: Workers Compensation Board- Case Worker Support**

The Workers Compensation Board (WCB) shall provide training and education to case workers, with the goal of building capacity in serving persons with disabilities who are returning to work. The training must include:

- a. Information on the Accessibility Act, the Nova Scotia Human Rights Act and requirements of the accessible employment standard (regulations).
- b. Information on disability, barriers to accessibility in the workplace, individual accommodations, accessible formats etc.
- c. Instruction on providing individual accommodations and the types of accommodations that may be requested by persons with disabilities.

## Funding and Resources

### **2.19: Employer Tools, Templates and Resources**

The Government of Nova Scotia must curate or develop resources (aligned with the enactment of the employment standard) to assist employers in achieving the requirements of the accessible employment standard. These resources must be available via a central resource hub for employers and should include, but not be limited to:

- a. Inclusive and accessible job posting templates;
- b. Inclusive language guide for job postings;
- c. Best practices guidelines for onboarding;
- d. Information on accessible online job postings, accessible online platforms, Human Resource Information System, applicant tracking systems and artificial intelligence;
- e. Information on accessible interview processes;
- f. Templates for workplace accessibility policy, individual workplace accommodation policy, individual accommodation plans, disclosure policy, evacuation/shelter-in-place plans, return-to-work policy, return-to-work plans, performance evaluation plans, personal development plans, job analysis and job exit survey;
- g. Sample statements on employer commitment to accessibility, inclusion, and provision of individual workplace accommodations;
- h. Information on employment services and programs;
- i. A list of disability service organizations that can support recruitment of skilled individuals with disabilities;

- j.** Example processes for including individuals with disabilities in decision-making;
- k.** Resources to promote understanding of, and ways to address, misinformation and stigma related to disability;
- l.** Highlights of success stories to share;
- m.** Resources to help organizations develop a disability management program;
- n.** Examples of disability management programs;
- o.** Examples of mentorship programs/affinity groups;
- p.** A guide to navigate virtual (online) processes including job applications, submissions, Q&A, support resources etc.

These resources must be available to employers within one year of enactment of the accessibility standard for employment.

# Appendix A - Employment Standard Development Committee Members

**Charlie Macdonald, Chair** – Retired Nova Scotia Public Servant and former Executive Director, NS Disabled Persons Commission, Halifax

**Alice Evans, Vice-Chair** – Executive Director, Prescott Group, Halifax

**Nick Beynon** – CEO, Chartered Professionals in Human Resources of Nova Scotia, Halifax

**Carla Bezanson** – Equity, Diversity, Inclusion and Accessibility Consultant, Public Service Commission, Government of Nova Scotia, Halifax

**Cynthia Carroll** – Executive Director, Autism Nova Scotia, Lawrencetown

**Marcilyn Cianfarani** – Disability Advocate/ Disaster and Emergency Management Specialist, Cleveland

**Brittany Davidson** - Manager, Employment Support Services, Department of Community Services, Government of Nova Scotia, Enfield

**Emily Duffett** – Coordinator, Work Integrated Learning, Accessible Learning Services, Acadia University, Port Williams

**Pele Gallant** – Coordinator of Service Development, Summer Street, Trenton

**Ryan Gannon** – Team Lead Program Coordinator, LOVE Nova Scotia, Halifax

**Melissa Myers** – Accessibility Advisor, Halifax Regional Municipality, Head of Jeddore

**Steve Noel** – Employment Advisor, Fred Smithers Centre of Support for Students with Disabilities, Saint Mary's University, Halifax

**Afolake Ola** - Business Representative, Dartmouth (February 2022-September 2022)

**Jeff Overmars** – Communications Advisory, Nova Scotia Human Rights Commission, Dartmouth

**Tyler Roy** – Nova Scotia Community College Business Administration graduate, Liverpool

**Flavia Saldanha** - Senior Corporate Strategist, Department of Labour, Skills, and Immigration, Government of Nova Scotia, Halifax (February 2022 – January 2023)

**Gordie Snook** – General Manager, Facilities and Operations, Town of Port Hawkesbury, Port Hawkesbury

**Hannah Stegen** – Co-Founder, CultureAlly, Dartmouth

**Jennifer Thorne** - Corporate Strategist, Department of Labour, Skills, and Immigration, Government of Nova Scotia, Halifax (January 2023 - February 2024)

**Jennifer Wagg** – Manager, Strategic Initiatives, Department of Labour, Skills, and Immigration, Government of Nova Scotia, Halifax (January 2023 - January 2024)

**Leslie Yorke** – Student Advisor, Nova Scotia Community College, Marconi Campus, Glace Bay

# Appendix B - Presentations received by the Employment Standard Development Committee

Overview of Built Environment Standard Development Committee Recommendations

Overview of Education Standard Development Committee Recommendations

Panel on Career Planning and Job Search

- Future Ready Program (TEAM Work Cooperative)
- Success 40 Program (ReachAbility)
- Autism Nova Scotia

Post-Secondary Accessibility Support Services (Department of Advanced Education)

Nova Scotia Career Development Association

Accessible Employment in the Deaf community – Deaf Client Specialist (TEAM Work Cooperative)

Recruitment and Hiring in the Nova Scotia Public Service (Nova Scotia Public Service Commission)

Labour Standards Code and Minimum Wage (Labour Standards Division, Department of Labour, Skills, and Immigration)

Retention and Advancement Webinar (viewing and discussion) - Yang -Tan Institute on Employment and Disability at ILR School

Come to Work Program (Canadian National Institute for the Blind)

Inclusion Nova Scotia – Nova Scotia Inclusive Employment Collaborators

Workers Compensation Board

Human Rights Commission – Solicitor Representative

Sobeys Inc. – Director of Diversity and Inclusion and local Sobeys Store Manager

Employment Systems Review Recommendations Overview (Public Service Commission)

Representatives of Presidents Group – British Columbia

# Appendix C - Glossary of Terms

## **Accessible**

Free of barriers that hinder the full and effective participation of people with disabilities, including Deaf and neurodivergent persons. (Source: Definition from [Education Standard Development Committee](#))

## **Accessible Formats**

Print, electronic, audio, or visual material that is formatted so that people with disabilities, including Deaf and neurodivergent persons can equitably access the information presented. This may include (but is not limited to) ensuring compatibility with appropriate assistive technology, closed captioning, described video, large print, braille, plain language, easy read, and video transcripts. (Source: [Accessibility for Ontarians with Disabilities Act: What are accessible formats?](#))

## **Accessible Website**

Accessible websites are designed and developed to ensure that persons with disabilities can use them effectively. Accessible websites allow users to perceive, understand, navigate, and interact with web content.

The W3C Web Accessibility Initiative has developed technical specifications, guidelines, techniques, and supporting resources that describe accessibility solutions. These are considered international standards for web accessibility. For more information: [Accessibility Fundamentals Overview | Web Accessibility Initiative \(WAI\) | W3C](#)

## **Affinity Group**

An affinity group is a collection of individuals who share a common identity characteristic, encompassing a diverse and intersecting range of experiences. The unifying characteristic is usually something that's traditionally underrepresented and can make the people in that group feel isolated. This includes persons with disabilities including Deaf and neurodivergent persons. Affinity groups are led by the employee members. (Source: Definition from [What is an affinity group in the workplace?](#))

## Barrier

Anything that hinders or challenges the full and effective participation in society of diverse people with disabilities including Deaf and neurodivergent persons. These barriers can manifest at systemic, structural, and individual levels, taking various forms such as physical, architectural, informational, environmental, and sensory obstacles. Additionally, barriers may arise in the domains of communication, attitudes, technology, policies, and practices. (Source: [Education Standard Development Committee](#))

## Career Planning

Career planning is an ongoing process through which a person sets career goals and identifies ways of achieving them. Through career planning, a person identifies and evaluates their own abilities and interests, objectives, marketable skills, strengths, and weaknesses, etc., and considers career opportunities, establishes career goals, and plans practical developmental activities. Career planning is not an event or end in itself, but a continuous process. (Source: [Definition from Glossary of Career Development - CERIC](#))

## Career Development

The process of learning and improving skills with an aim of enhancing job performance and advancing career goals. Career development is increasingly viewed as complex and multidimensional, involving growing through life and work - an interweaving of learning, experiencing, living, working, changing, and identifying and discovering pathways that lead you to your planned outcomes for work and life. (See also Professional Development) (Source: [Glossary of Career Development - CERIC](#))

## Deaf

A sociological term referring to those individuals who are medically deaf or hard of hearing who identify with and participate in the culture, society, and language of Deaf people, which is based on Sign language. (Source: Definition from: [Canadian Association of the Deaf - Association des Sourds du Canada](#))

## Disability

Disability is a physical, mental, cognitive, intellectual, learning or sensory impairment, including an episodic disability, that, in interaction with a barrier, hinders an individual's full and effective participation in society. Some people may not have a diagnosed disability, but still experience accessibility barriers. Others who experience accessibility barriers may not identify as having a disability. This may include people who are Deaf or those who identify as neurodivergent. (Source: [Nova Scotia Accessibility Act](#))

## Disability Confident Employer

Disability confident employers understand the benefits that persons with disabilities can bring to their business/organization.

Disability confident employers:

- think differently about disability, and have the skills, techniques, and confidence they need to recruit and retain persons with disabilities.
- think about the needs of persons with disabilities when designing their products and services, and when creating employment opportunities.
- put policies into practice to ensure that persons with disabilities are included, and they understand that inclusion needs to start right at the beginning – during recruitment.
- have managers and staff that understand disability. They know what persons with disabilities can do, and they have identified ways to address barriers to employment for persons with disabilities.

## Disability Management Program

A Disability Management Program includes any workplace activity related to the prevention, support for recovery, and accommodation of employees absent from work as a result of illness, injury or disability.

A disability management program refers to a comprehensive and proactive approach implemented by organizations or employers to support employees who experience short-term or long-term disabilities. (Source: Definition from [The Fundamentals of Disability Management - Canada.ca](#))

## Diversity

Differences and unique qualities that each person brings to employment settings such as their culture, ethnicity, values, beliefs, language(s), abilities, education, life experiences, socio-economic status, spirituality, gender identity, age, and sexual orientation. These differences and unique qualities are often intersecting. (Source: [Action Plan for Diversity and Inclusion](#))

## Equity/ Equitable

Equity means ensuring everyone has the opportunity to access and participate in all aspects of society. This means expecting and welcoming diversity, understanding and addressing discriminatory and exclusionary systems, practices, and policies, and removing specific and diverse barriers to access and participation. (Source: Definition from [Education Standard Development Committee](#))



## Employment Equity

Equitable representation is achieved in a workforce when, in all occupational categories and at all levels of employment, the representation of the designated groups is reflective of the working age population.

Employment Equity practices are those that prevent and correct disadvantages in employment through special measures, reasonable accommodation of differences and programs to remove barriers to equitable employment opportunities. Taking into account the disadvantages in employment experienced by women, Indigenous peoples, persons with disabilities including Deaf and neurodivergent persons, and members of visible minorities, employment equity practices mean more than treating persons in the same way but also provide special measures, accommodations and specific programs.

(Source: [Employment Equity Act \(justice.gc.ca\)](https://www.justice.gc.ca))

## Employee

For the purposes of this document, a person who is paid to do ongoing work, tasks, and training, typically for the benefit of a group, person, agency, organization or contractor other than themselves. An employee can work full-time or part-time and may be a regular casual employee, or a dependent contractor. (Source: [Determining the Employer/Employee Relationship](#))

## Employer

For the purposes of this document employer refers to Government of Nova Scotia, prescribed public sector bodies under the Accessibility Act and private organizations. This includes any person, organization, firm, corporation, agent, manager, representative, contractor or subcontractor responsible for the employment of any employee.

## Employment/Job Coach

An employment coach provides customized and flexible support to an employee with vocational supports, skills acquisition and/or training, and supporting the person in learning the tasks and responsibilities of the job while navigating the social, cultural, and behavioural aspects of the workplace. (Source: Understand the Role of a Job Coach)

## Fair Wage

Fair Wages are minimum wages that are set for specific occupations and must be no less than the statutory minimum wage as outlined in Nova Scotia Labour Standards. Fair wage takes into account hourly wage rates, vacation and holiday pay and applicable amounts for other benefits. (Source: [Minimum, living and fair wages: What's the difference?](#))

## First Voice

First voice refers to the knowledge shared by diverse people with disabilities including Deaf and neurodivergent persons, that emerges from lived experience, community connections, knowledge traditions, and scholarly activities that are typically undervalued and underrepresented. (Source: Definition from [Education Standard Development Committee](#))

## Intersectionality

Intersectionality is a way of looking at how all the different parts that make up a person (like their gender, race, class, disability, etc.) can come together to affect how they are treated in society. It helps us understand how these different aspects can lead to both advantages and disadvantages for a person. Intersectionality helps us see and address the various ways people can face discrimination or privilege based on these different factors.

## Minimum Wage

The hourly wage set by the Provincial Government in the Labour Standards Code as the minimum that must be paid to an employee. (Source: [Labour Standards Code Minimum Wage Order](#))

## Neurodiversity

A person can be neurodivergent, meaning they differ or "deviate" from the neuro-typical or neuro-normative majority. It recognizes diverse neurologies and includes those who identify with/ as autistic, ADHD, Tourette's syndrome, Trisomy 21, dyslexia and could also include trauma, PTSD, traumatic brain injury, OCD, anxiety etc.

## Performance Management

Performance management encompasses all activities related to assessing and improving employee performance, productivity, and effectiveness with the goal of facilitating employee success. (Source: Definition from [Accessible Standards Canada](#))

## Plain Language

Communication is in plain language if its wording, structure, and design are so clear that the intended audience can easily find what they need, understand what they find, and use that information. (Source: Definition from [International Plain Language Federation](#))

## Professional Development

The process of learning and improving skills aimed at helping employees perform their jobs more effectively, which, in turn, enables both employers and employees to achieve their goals and objectives more successfully. Professional Development is often part of Performance Management processes.

## Real-time Accessibility Services

Real-time accessibility services include sign language interpreters, intervenors for Deafblind, CART and real-time captions provided by a trained human being, Artificial-intelligence real-time captioning provided by software, Deaf interpreters, and remote accessibility facilitation through video and software options.

## Duty to Accommodate

The employer and service provider's legal obligation to adjust rules, policies, or practices for all workers who fall under the prohibited grounds within the Nova Scotia Human Rights Act, to participate fully. The duty to accommodate means that persons with disabilities are provided adequate supports to perform their job effectively.

(Source: [Accessible Standards Canada](#))

## Stretch Opportunity

Stretch assignments are short-term projects or assignments that provide unique and challenging experiences for the purpose of developing employee/leader skills and abilities.

(Source: Definition from [Scrontrino Powell Consulting](#))

## Undue Hardship

All employers must try to accommodate the needs of their employees up to the point of undue hardship. The point at which undue hardship is reached depends on several things, including the size of the organization and the role of the employee within the organization. Accommodation does not have to be perfect, but it should be reasonable. If an employer or service provider cannot provide an accommodation because of undue hardship they need to provide sufficient evidence. (Source: [Public Service Commission Duty to Accommodate Policy](#))

## Wages

Remuneration for work performed. A wage includes every form of remuneration except for tips and other gratuities, vacation pay, and pay in lieu of vacation. (Source: Definition from [Employment Rights Labour, Skills, and Immigration](#))

## Wage Subsidy

An amount distributed to an employer by a government or charitable program, to lower the employers contribution to the hourly wage. Wage subsidy programs are typically aimed at increasing employment in under-represented groups or target populations, for example recent graduates, unemployed persons, persons with disabilities including Deaf and neurodivergent persons (Source: Definition from [Employment Support Services, Department of Community Services](#))

## Workplace Accommodations

Changes to the work environment or the terms and conditions of employment that, due to barriers faced by persons with disabilities, including Deaf and neurodivergent persons, will allow them to perform their job.

Workplace accommodations may include, but are not limited to:

- policy and procedure changes (e.g., modifying work hours; location of duties; how tasks are expected to be completed to fit the needs of the individual)
- accessibility services (e.g., employment coaches, personal support worker, workplace attendant.)
- equipment (e.g., technical devices including assistive technology; alternative work materials, communication aids, ergonomic workstations)
- structural modifications (e.g., handrails, ramps, widened doorways, accessibility to common facilities, sensory modifications).
- Awareness and training initiatives (e.g., programs to raise awareness with employees and HR on diversity, inclusivity, and specific needs of coworkers with disabilities to foster an understanding and supportive work environment)
- Communication adaptations (e.g., adjustments in communication methods and styles to accommodate diverse needs, such as offering various communication channels and adapting information delivery methods and communication styles.)

(Source: [Canadian Association for Supportive Employment](#))

## Working Interview

A working interview is an alternative to a traditional interview and provides an opportunity for a potential employee to perform job tasks to showcase their abilities to a potential employer. This allows employers to evaluate a candidate's skills based on their ability to complete specific jobs or tasks. Working interviews must be carefully planned, to ensure that protections are in place for the candidate and the employer (i.e. ensuring no unpaid labour is conducted) (Source: [Innovation in Recruitment: The Working Interview - Hire for Talent](#))

## **Workplace Attendant**

A paid assistant who provides task related assistance specific to an individual's job. See also, workplace accommodation. (Source: Workplace Support Program Department of Community Services)