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# *Accessibility for Ontarians with Disabilities Act*

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Canadian Manufacturers & Exporters

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# *Agenda*

1. Purpose, Structure and Application of *AODA*
2. Integrated Accessibility Standards
3. Penalties & FAQs
4. Cost Effective Strategies and Best Practices

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# *Purpose of the AODA*

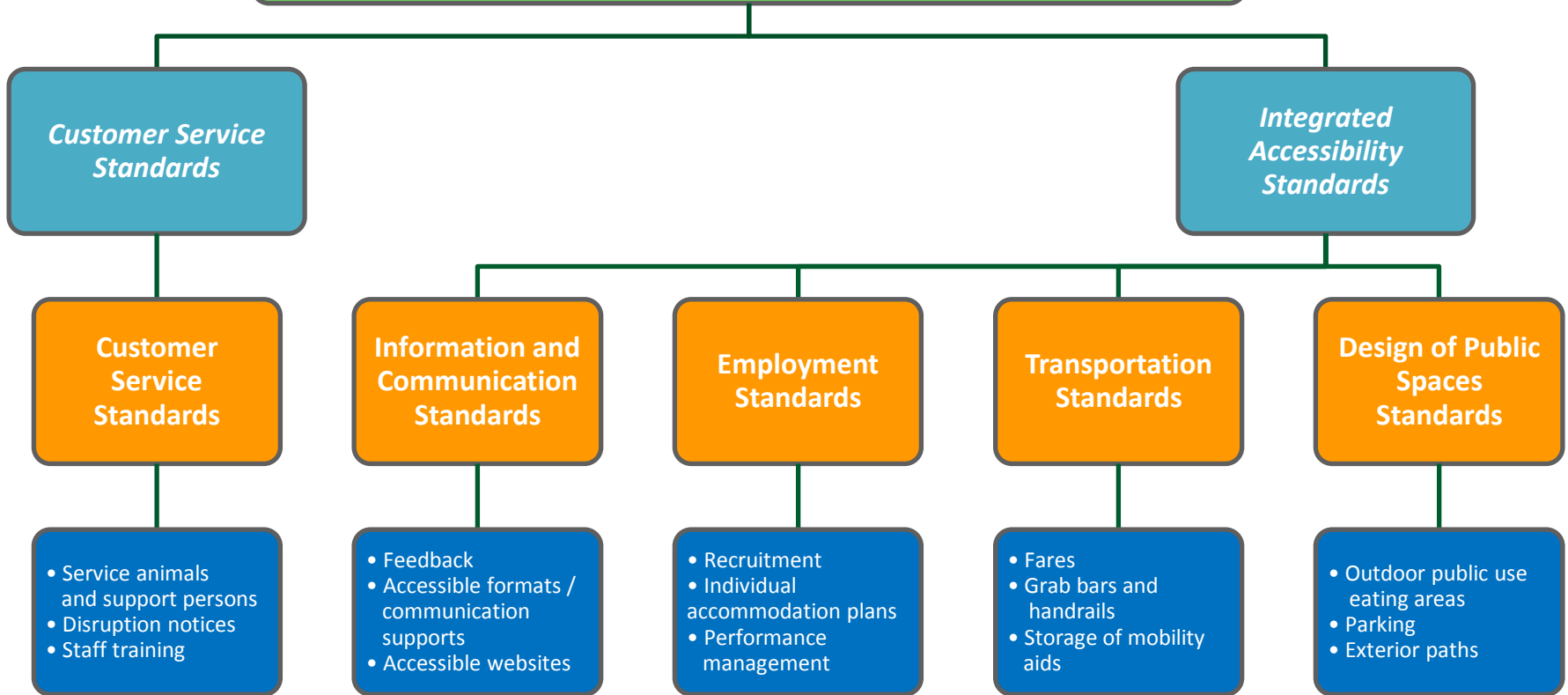
- The *AODA* became law June 13, 2005
- Goal is to ensure people with disabilities have equal opportunity to work, travel, play & participate in all aspects of life
- Requirements are phased-in over time

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# *Structure of the AODA*

- Accessibility Standards provide content:
  - Customer Service Standards
  - Information and Communications Standards
  - Transportation Standards
  - Employment Standards
  - Design of Public Spaces Standards

# Accessibility for Ontarians with Disabilities Act, 2005



**\* The bulleted standards are examples of areas covered in each group, not an exhaustive list.**

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# *Application of AODA*

- *AODA* applies to every person or organization in the public and private sectors of Ontario
- Limited by application of Accessibility Standards to organizations that provide goods, services or facilities to public or third parties
- Multi-jurisdictional entities must consider whether to adopt a uniform approach across provinces or limit policies to Ontario operations

# *Integrated Accessibility Standards*

- Application & compliance deadlines depend on classification:
  - Ontario Government & Legislative Assembly
  - Large Designated Public Sector (50+)
  - Small Designated Public Sector (< 50)
  - **Large Organization (50+)**
  - **Small Organization (<50)**
- Compliance phased in between 2011 and 2021

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# *Integrated Accessibility Policy*

- Policy on how your organization is going to achieve accessibility
- Different than policy required by Customer Service Standards
- Large Organizations:
  - Include “Statement of Commitment”
  - Must be in writing
  - Available to public & in accessible format



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# *Integrated Accessibility Plan*

- Purpose:

- Record strategy to prevent & remove barriers

- Roadmap for current and future compliance

- Post plan on website (if applicable):

- Avoid overpromising and under delivering

- Provide in accessible format upon request

- Review and update at least once every 5 years

# *Customer Service Standards*

- Establish policies, practices & procedures
- Address use of assistive devices
- Communicate in accessible manner
- Accommodate support persons/service animals
- Provide notice of disruptions
- Implement accessible feedback procedure
- Training

# *Customer Service Standards*

- Additional requirements for organizations with 50 or more employees:
  - Policies, practices & procedures in writing
  - Maintain records of content and timing of training
  - Notice of availability of documents (in accessible format upon request)

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# *Customer Service Standards:* **Training**

## ■ Provide training on:

- Requirements of legislation & policies
- Human Rights Code*

## ■ Provide training to:

- Employees and volunteers
- Everyone who provides goods, services or facilities on organization's behalf
- Persons who participate in policy development

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# *Customer Service Standards:* **Feedback**

- Receiving and responding to feedback from customers, employees, public & third parties
- Available in accessible formats or with communications supports upon request
- Notify public of availability

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# *Information & Communication* *Standards: **Emergency Plans***

- If emergency procedures, plans or public safety information exists and is available to public, provide in an accessible format or with communication supports upon request
- Provide individualized workplace emergency response information to employees who require such information as a result of a disability

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# *Information & Communication Standards: Accessible Websites*

## ■ WCAG 2.0 Level A:

- New websites and web content (includes websites undergoing significant refresh)

## ■ Exemptions:

- Where meeting requirements not practicable
- Web content published before January 1, 2012
- Websites & web content organization does not control directly or indirectly through contract

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# *Accessibility Report*

- Organizations with 20 or more employees were required to file accessibility compliance report by **December 31, 2014** and every three years thereafter
- Organizations with **21-49 employees** report only on Customer Service Standards



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# *Accessible Formats & Communication Supports*

- Applicable to information about organizations goods, services & facilities
- Upon request, timely manner & no extra cost
- Consult with person with disability
- Notify public of availability
- Exempt information

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# *Employment Standards*

- Information to be made accessible
- Individual accommodation and return to work plans
- Performance management
- Career development
- Redeployment

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# *Recruitment & Assessment*

- Notification about availability of accommodation:
  - Recruitment
  - Assessment (individual assessment and accommodation required)
- Proactive obligation on employers
- Manner of notification not prescribed

# *Accommodation During Employment*

- Performance management, career development/advancement and redeployment must take into account:
  - Accessibility needs of employee
  - Employee's IAP (if applicable)

# *Accommodation During Employment*

- Notify new & existing employees of policies on accommodating employees with disabilities
- Manner of notification not prescribed
- Notification options:
  - Verbal
  - Onboarding information package
  - Orientation/training

# *Accommodation During Employment*

- Upon request employer must make accessible information:
  - Required to perform job; and
  - Generally available to employees
- Examples:
  - Human resources/health and safety policies
  - Newsletters/information bulletins
  - Training materials
  - Performance metrics/evaluations

# *Accommodation During Employment*

- Individual accommodation plan (“IAP”) & return to work plans (“RWP”):
  - Small Organizations exempt
  - Must document process for development

# *Accommodation During Employment*

- Process for development of IAP must address:
  - Employee participation in development of plan
  - Manner of individual assessment
  - Employer requests for evaluation by external medical or other expert
  - Involvement of employee representative (*i.e.* union or colleague)



# *Accommodation During Employment*

- IAP must address cont'd:
  - Protection of employee privacy
  - Frequency and procedure for review/update
  - Communication of reasons for decision to deny employee individual accommodation plan
  - Providing plan in accessible format

# *Accommodation During Employment*

- Process for development of RWP must:
  - Outline steps to facilitate return to work
  - Incorporate IAP
- Does not replace or override procedure applicable under WSIA

# *Looming Compliance Deadlines*

<b>ACCESSIBILITY STANDARD</b>	<b>COMPLIANCE DEADLINE</b>
Design of Public Spaces Standards	Large – Jan. 1, 2017
	Small – Jan. 1, 2018 *Some exemptions
Second Stage of Web Accessibility	Large – Jan. 1, 2021
	Small – Exempt

# *Penalties & Enforcement Initiatives*

- Consequences of non-compliance:
  - Compliance assistance
  - Orders/administrative penalties
  - Prosecutions for offence under AODA
- Appeal process:
  - License Appeal Tribunal

# *Penalties & Enforcement Initiatives*

## ■ Administrative penalties:

### □ Individuals/Unincorporated Organizations

- \$200 - \$2,000 per day (maximum \$50,000)

### □ Corporations

- \$500 - \$15,000 per day (maximum \$100,000)

## ■ Amount of administrative penalty depends on:

1. Severity of impact of contravention
2. Severity of contravention history

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# *Frequently Asked Questions*

1. Do we have to comply even if we don't provide goods, services or facilities to the public?
2. What if our premises is not accessible?
3. Do we have to train every single employee who works in our facility?
4. How can we comply as efficiently as possible?

# *Cost Effective Strategies and Best Practices*

- Incorporate accessibility into planned initiatives
  - Website updates, policy reviews, training programs, service contracts *etc.*
- Document even if not legally required to do so
- Remember documentation is public:
  - Critically evaluate language used
  - Don't overpromise and under deliver



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