

# AODA COMPLIANCE IN 2014 AND BEYOND



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# AODA Compliance

- *Accessibility for Ontarians with Disabilities Act*
- Integrated Accessibility Standards Regulation has created obligations for large and small organizations for completion in 2014 and beyond

# AODA Compliance

- “Large Organization” means:
- an obligated organization with 50 or more employees in Ontario, other than the Government of Ontario, the Legislative Assembly or a designated public sector organization

# AODA Compliance

- “Small Organization” means:
- an obligated organization with at least one but fewer than 50 employees in Ontario, other than the Government of Ontario, the legislative Assembly or a designated public sector organization

# Policies

- Develop, implement and maintain policies about how the organization achieves or will achieve accessibility
- Large Organization = January 1, 2014
- Small Organization = January 1, 2015

# Policies

- Large Organizations must:
  - Include a statement of organizational commitment to meet the accessibility needs of persons with disabilities
  - Policy/policies must be in writing, publicly available and provided in accessible format upon request
- Small Organizations are exempt from these requirements

# Accessible Formats

“Accessible formats” may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities

# Accessibility Plan

- Large Organizations only by January 1, 2014
- (a) establish, implement, maintain and document a multi-year accessibility plan to outline the organization's strategy to prevent and remove barriers and meet its requirements under the Regulation



# Accessibility Plan

- (b) post the accessibility plan on the organization's website and provide it in an accessible format upon request
- (c ) review and update the accessibility plan at least once every five years

# Self Serve Kiosks

- Both Small and Large Organizations must “have regard to the accessibility for persons with disabilities when designing, procuring or acquiring self-serve kiosks”
- Large Organization = by January 1 2014
- Small Organization = by January 1, 2015

# Training Requirements 2015-2016

- Ensure training on the Regulation's accessibility standards and on the *Human Rights Code* as it pertains to persons with disabilities
- To employees, volunteers, those people that develop/implement policies and all others who provide goods, services or facilities on behalf of the organization

# Training

- Training “appropriate to the duties” of the person and provided “as soon as practicable”
- Training on changes to accessibility policies
- Large Organization = by January 1, 2015
- Small Organization = by January 1, 2016

# Employment Standard - Emergency Response Information

- Individualized workplace emergency response information
- By January 1, 2012 for all employers

# Employment Standard - Recruitment

- Notify employees and public about availability of accommodation for applicants with disabilities in recruitment process
- Notify selected applicants that accommodation is available upon request in relation to materials or processes used in the recruitment process

# Employment Standard - Recruitment

- If accommodation requested by selected applicant, consult with him/her and provide for accommodation in a manner that takes into account the applicant's accessibility needs due to disability
- Large organization = by January 1, 2016
- Small organization = by January 1, 2017

# Employment Standard - Notify about Accommodation

- When making offers of employment, notify successful applicant of policies for accommodating employees with disabilities
- Inform employees of supports (provisions of accommodation)
  
- Large Organization = January 1, 2016
- Small Organization = January 1, 2017



# Employment Standard - Notify about Accommodation

- Provide accessible formats and communication supports to employees with disabilities relating to:
  - (i) information to perform his/her job; and
  - (ii) information generally available to employees in the workplace
- Consult with employee to determine the suitability of the accessible format and/or communication support

# Employment Standard - Communication Support

- “Communication support” means including but not limited to, captioning, alternative and compensative communication support, plain language, sign language, etc.

# Employment Standard - Individual Accommodation Plans

- Large Organizations only
- Must have in place documented individual accommodations plans

# Employment Standard - Individual Accommodation Plans

- Process for development of such plans must include:
  - 1. the manner in which employee can participate in development of the plan;
  - 2. the means by which employee is assessed on an individual basis;

# Employment Standard - Individual Accommodation Plans

- 3. the manner in which employer can request an evaluation by an outside medical or other expert, at the employer's expense, to assist the employer in determining how accommodation can be activated;
- 4. manner in which employee can request the participation of a representative from their bargaining agent or other representative from the employer in the development of the plan;

# Employment Standard - Individual Accommodation Plans

- 5. the steps taken to protect privacy of employee's personal information;
- 6. the frequency of review of the plan and when it will be done;
- 7. if plan is denied, the manner in which the reasons for the denial will be provided to the employee;

# Employment Standard - Individual Accommodation Plans

- 8. the information about the plan to be provided in format that takes into consideration the employee's accessibility needs due to disability

# Employment Standard - Return to Work Process

- Large Organizations only
- Develop, have in place and document a return to work process for employees who have been absent from work due to disability and require disability related accommodation in order to return to work



# Employment Standard - Return to Work Process

- Process must:
  - 1. Outline steps employer will take to facilitate the return to work of such employee; and
  - 2. Use documented individual accommodation plans as part of the process

# Employment Standard - Return to Work Process

- These processes are in addition to any other return to work process created by or under another statute

# Employment Standard - Performance Management

- Applies to all organizations
- Take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans
- “Performance Management” means activities related to assessing and improving employee performance, productivity and effectiveness with the goal of facilitating employee’s success

# Employment Standard - Career Development

- When providing any career development and advancement to employees, take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans
- “Career development and advancement” includes providing additional responsibilities within an employee’s current position and the movement of an employee from one job to another

# Employment Standard - Redeployment

- An employer that uses redeployment shall take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when redeploying employees with disabilities

# Employment Standard - Redeployment

- “redeployment” means the re-assignment of employees to other departments or jobs within the organization as an alternative to lay-off, when a particular job or department is eliminated

# AODA Compliance Wizard

<https://www.appacats.mcass.gov.on.ca/eadvisor/>