

EMPLOYMENT, LABOUR & EQUALITIES
LAW WEBINAR SERIES

MAKING SURE YOU'RE AODA COMPLIANT

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AGENDA

- Brief Overview of AODA
- Integrated Accessibility Standards
- Policies and Training
- Compliance Report
- Non-Compliance

JUNE 2021

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WHY

NOW



BRIEF OVERVIEW OF AODA

BRIEF OVERVIEW OF AODA

- Whether your organization is large or small, attracting every potential candidate for employment and customers is essential to your business.
- Being accessible to potential candidates/ employees/ customers with disabilities isn't just the right thing to do, it's also the law.
- In 2005, the Ontario government passed the Accessibility for Ontarians With Disabilities Act (AODA).
- Its goal is to make the province accessible to people with disabilities by 2025.

BRIEF OVERVIEW OF AODA

Ontario Human
Rights Code

Non-discrimination.
Accommodate people to the
point of undue hardship



Accessibility for
Ontarians
with Disabilities Act
(AODA)

Helps to reduce and remove
barriers and make Ontario
more inclusive for everyone



**Maintain the dignity
of persons with
disabilities as well as
increase their
independence, equal
opportunity and
integration within
society**

BRIEF OVERVIEW OF AODA

Who has to comply?

- If your organization is public, private and not-for-profit organizations;
- with at least **1 employee** physically in Ontario; and
- you provide goods, services or facilities to the public or to other organizations,

then you are subject to the AODA

BRIEF OVERVIEW OF AODA

Who has to comply?

Classes:

- Government of Ontario and Legislative Assembly
- Large designated public sector organizations with 50+ employees
- Small designated public sector organizations with 1 to 49 employees
- Large organizations with 50+ employees
- Small organizations with 1 to 49 employees

INTEGRATED ACCESSIBILITY STANDARDS

INTEGRATED ACCESSIBILITY STANDARDS



INTEGRATED ACCESSIBILITY STANDARDS

Customer Service Standard

- The very first standard under the AODA
- Business to business counts!



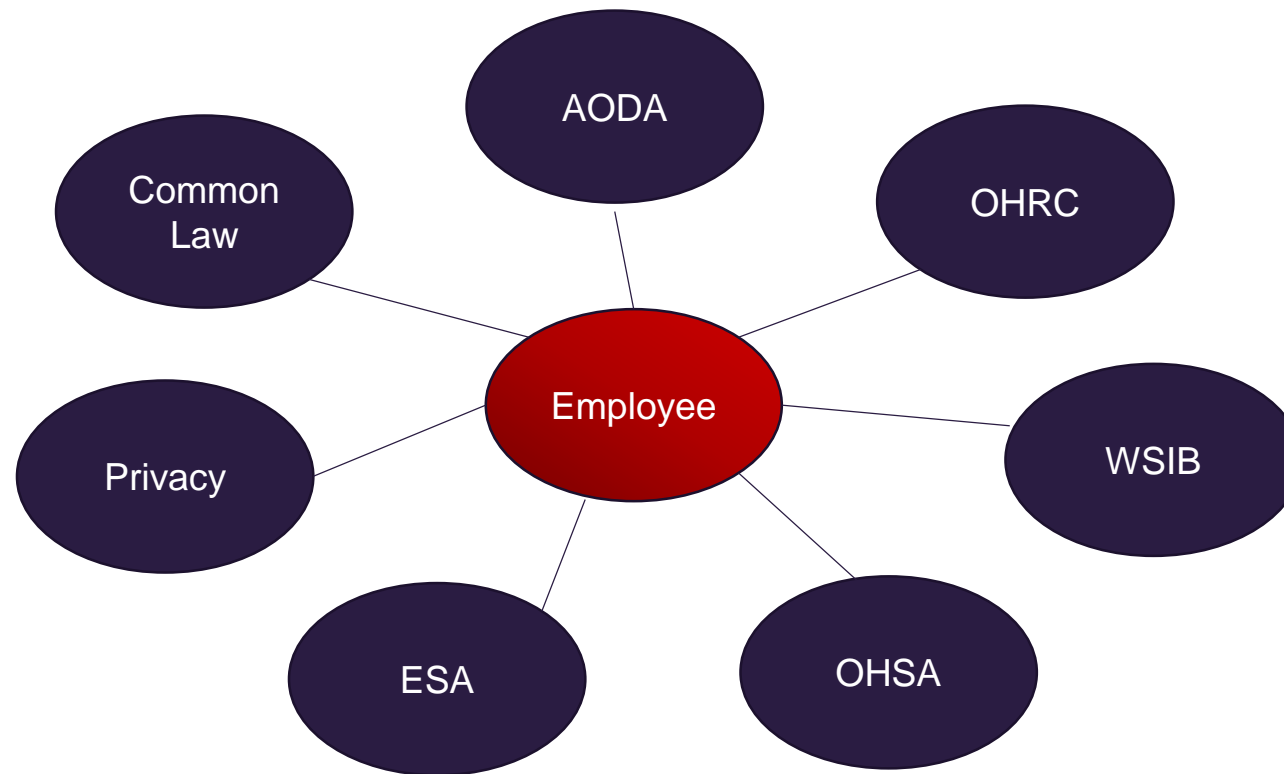
INTEGRATED ACCESSIBILITY STANDARDS

Customer Service Standard – Obligations

- Policies, practices, procedures:
 - Assistive Devices
 - Service Animals
 - Support Persons
 - Communication
 - Notice of Temporary Disruption of Service
 - Feedback Process
- Training
- Notify to public

INTEGRATED ACCESSIBILITY STANDARDS

Employees and the Law



INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard

- Applies to all prospective hires and employees
 - Does not apply to volunteer or other non-paid individuals
- Applies to different aspects of employment:
 - Recruitment
 - Job offers
 - Accommodation/return to work
 - Discipline, promotion, transfer, RIF

INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard - Obligations

- **Employers are to provide accessible processes for:**
 - Recruitment, assessment and selection
 - Performance management, development and career advancement, and redeployment
- **And ensure there are:**
 - Accessible formats and communication supports for employees
 - Documented individual accommodation plans
 - Return to work processes

INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard - Obligations

- **Recruitment, assessment and selection**
 - Availability of accommodation for applicants
 - Selected job applicants are notified that accommodation is also available in relation to the materials or process followed
 - Successful applicants at hire are notified of organization's policies relating to accommodation

INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard - Obligations

- **Example job posting footer**

We are committed to integration and equal opportunity. Accommodation is available to all applicants upon request throughout our recruitment process. Please contact Brad Pitt at 1-800-000-000 or email @ brad.pitt@Hollywood.com if you require accommodation. We will work with all applicants to accommodate their accessibility needs.

INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard - Obligations

- Available supports are to be communicated as soon as practical after an employee starts work
- Accessible Formats
- Notify employees of any updates to policies

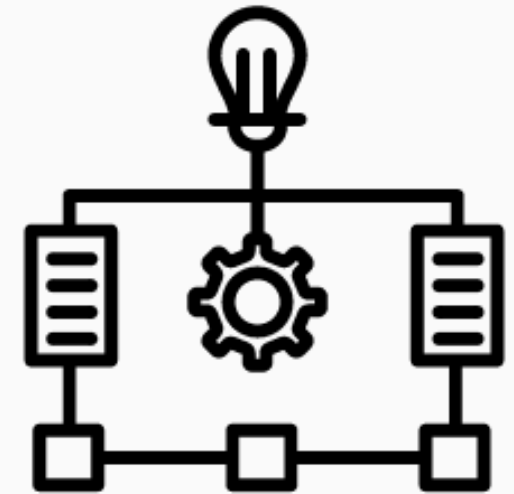


INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard – Obligations

Individual Accommodation Plans (IAP)

- Employers with 20+ employees shall develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities
- **Remember:** Human Rights Code applies to all employers, but written policy obligation applies to employers with 20+ employees in Ontario.
- This process can also apply to return to work scenario



INTEGRATED ACCESSIBILITY STANDARDS

Employment Standard – Obligations

- **IAPs at work**
 - Delineates in writing exact accommodation
 - Expectations of employee
 - Review dates
 - Employee must perform in accordance with IAP
 - Iterative process ... if you first don't succeed

INTEGRATED ACCESSIBILITY STANDARDS

Information and Communication Standard

- Applies to all obligated organizations
- **Key terms:** “Communications”: interaction between 2 or more persons or entities, or any combination of them, where information is provided, sent or received
- “Information”: data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning



INTEGRATED ACCESSIBILITY STANDARDS

Information and Communication Standard - Obligations

- Accessible Formats and Communication Supports
- Feedback
- Emergency Procedures, Plans, Or Public Safety Information

INTEGRATED ACCESSIBILITY STANDARDS

Information and Communication Standard - Obligation

- **Accessible Website and Web content**
 - Applies to large Ontario organizations (50+ employees)
 - All external internet websites are required to meet the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA
 - Except live captioning and audio descriptions
 - Obligation does not apply if the organization does not have any direct or indirect control over the website.

POLICIES AND TRAINING

POLICIES AND TRAINING

- **Establish & Implement the following:**
 - Accessibility Policy
 - Multi-Year Plan (50+)
 - Customer Service Policy
 - Feedback Policy
 - Accommodation and Return to Work Policy

POLICIES AND TRAINING

- **Training to all is must:**
 - All employees and volunteers
 - Persons who participate in developing your policies
 - All other Persons who provide goods/services on behalf of the company
- Training shall be appropriate to the duties of the trainee.
- **Two types of training:**
 - Training on basics of AODA and OHRC
 - Training on Customer Service

POLICIES AND TRAINING

Free Training at:

- <http://www.ohrc.on.ca/en/learning/working-together-code-and-aoda>

The screenshot shows the OHRC website interface. At the top, there is a navigation bar with the OHRC logo and a search bar. Below the navigation bar, there is a menu with categories: YOUR RIGHTS, CODE GROUNDS, SOCIAL AREAS, EDUCATION & OUTREACH, and OUR WORK. The main content area is titled "Working Together: The Code and the AODA" and includes a list of parts: Part 1. Introduction, Part 2. The Code, Part 3. Understanding the Duty to Accommodate, Part 4. Applying Human Rights Principles, and Part 5. Compliance and Enforcement. There are also buttons for "printer-friendly version", "language", and "next". The main text describes the training as an e-learning video for the public, private, and not-for-profit sectors, which is divided into 5 parts and takes about 20 minutes to view. Below the text, there are five video thumbnails representing the different parts of the training.

OHRC

English | Français

search

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YOUR RIGHTS CODE GROUNDS SOCIAL AREAS EDUCATION & OUTREACH OUR WORK

Home » eLearning » Working Together: The Code and the AODA

Working Together: The Code and the AODA

printer-friendly version language next

Learn about your rights and responsibilities under the Code and the AODA and how they affect you at work, in services and in housing.

This e-learning video is for the public, private and not-for-profit sectors and completes the training requirements for section 7 of the Integrated Accessibility Standards of the AODA . The video has been divided into 5 parts, and takes about 20 minutes to view. To begin, click on the video "Part 1: Introduction."

Part 1. Introduction

Part 2. The Code

Part 3. Understanding the Duty to Accommodate

Part 4. Applying Human Rights Principles

Part 5. Compliance and Enforcement

Part 4. Applying Human Rights Principles

Part 5. Compliance and Enforcement

POLICIES AND TRAINING

see the module formats available.

More Free Training at:

- <https://accessforward.ca/>

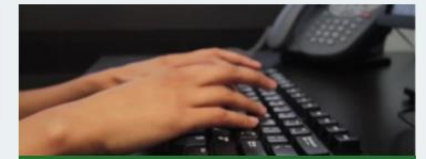
TRAINING MODULES



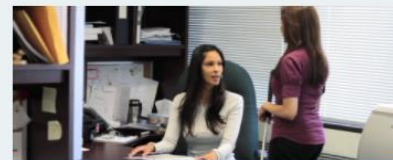
Customer Service Standard
View Training Module



General Requirements
View Training Module



Information and Communications Standard
View Training Module



Employment Standard
View Training Module



Design of Public Spaces Standard
View Training Module

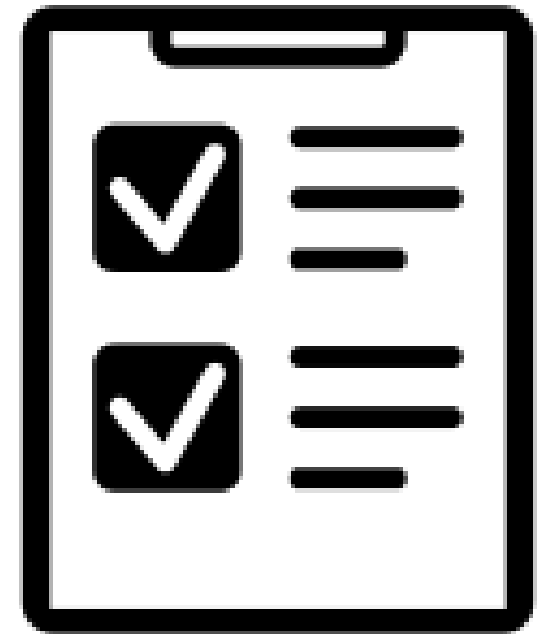


Transportation Standard
View Training Module

COMPLIANCE REPORT

COMPLIANCE REPORT

- **Threshold:** Business or non-profit organizations with 20+ employees
- **Purpose:** Confirms that you have met your current accessibility requirements under the AODA
- **Timing:** Every 3 years
- **Next deadline:** June 30, 2021 (extended due to Covid-19 from December 31, 2020)



COMPLIANCE REPORT

- **Questions vary based on size**
- **Questions for medium organizations (20-49):**
 - Customer Service Standard
- **Questions for large organizations (50+):**
 - All integrated accessibility standards

COMPLIANCE REPORT

- **To complete the report you need:**
 - Full legal name of the entity
 - Business number (BN9)
 - Total number of employees
 - Name and contact information of your certifier
 - a senior officer with legal authority to say that the report is complete and accurate
 - You can file for up to 20 organizations at once

ISSUES WITH NON-COMPLIANCE

ISSUES WITH NON-COMPLIANCE

- **Administrative Penalties**
- Escalating penalties for non-compliance
- Maximum daily penalty of \$100,000 for corporation and \$50,000 for individual or unincorporated organization
- Decision will be made on a case-by-case basis

Individuals or Unincorporated Organizations

Impact of Contravention	Major (priority requirement)	Moderate (organizational preparedness)	Minor (administrative/ operational)
Major compliance history (6 previous contraventions)	\$2,000 (can be issued per day)	\$1000.00	\$500.00
Moderate compliance history (2-5 previous contraventions)	\$1000.00	\$500.00	\$250.00
Minor (first contravention)	\$500.00	\$250.00	\$200.00

Administrative Penalties for Corporations

Impact of Contravention	Major (priority requirement)	Moderate (organizational preparedness)	Minor (administrative/ operational)
Major compliance history (6 previous contraventions)	\$15,000 (can be issued per day)	\$10,000.00	\$5000.00
Moderate compliance history (2-5 previous contraventions)	\$10000.00	\$5000.00	\$2500.00
Minor (first contravention)	\$2000.00	\$1000.00	\$500.00

ISSUES WITH NON-COMPLIANCE

- **Reputational Damage**
- Backlash of a boycott and/or damage to brand reputation
- Unhappy employees and customers

Toronto woman launches rights complaint over washroom access



Haily Butler-Henderson has spina bifida, uses forearm crutches as mobility aid

Michelle McQuigge - The Canadian Press - Posted: Mar 26, 2017 12:16 PM ET | Last Updated: March 26, 2017



Haily Butler-Henderson, 24, has spina bifida and uses forearm crutches to get around Toronto. (The Canadian Press/Chris Young)

TIPS

- Don't wait until the last minute to file the report. Servers may crash!
- Make sure IT is involved for website related compliance. You need WCAG 2.0 Level AA now.
- If you need help, feel free to reach out!

QUESTIONS?


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**DON'T MISS OUR NEXT WEBINAR IN THE
SERIES:**

MAY 27 | MANDATORY VACCINATION

INVITATIONS TO BE SENT SOON!