



EMPLOYMENT, LABOUR & EQUALITIES  
LAW WEBINAR SERIES

# MAKING SURE YOU'RE AODA COMPLIANT

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MAY 6, 2021

# 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

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- 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



Accessibility for  
Ontarians  
with Disabilities Act  
(AODA)



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

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

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

# 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

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# INTEGRATED ACCESSIBILITY STANDARDS

## *Customer Service Standard*

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



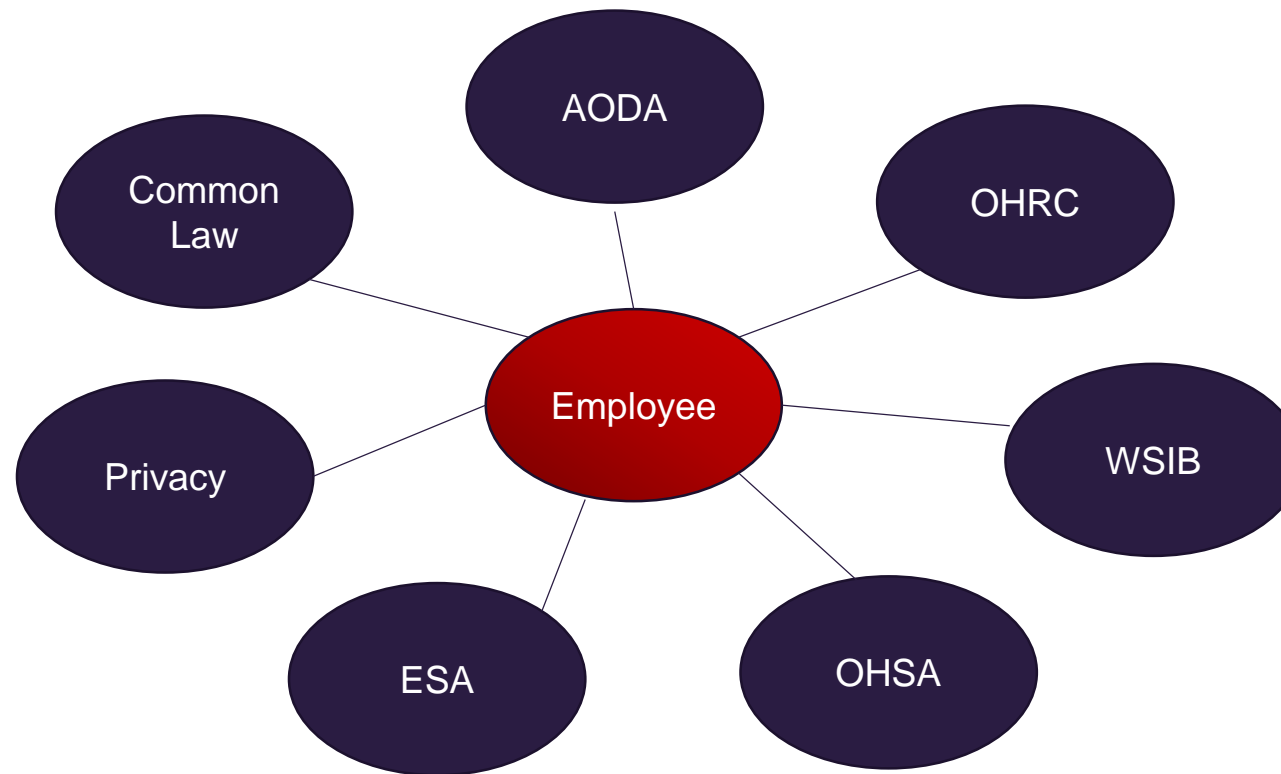
# INTEGRATED ACCESSIBILITY STANDARDS

## *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](mailto: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

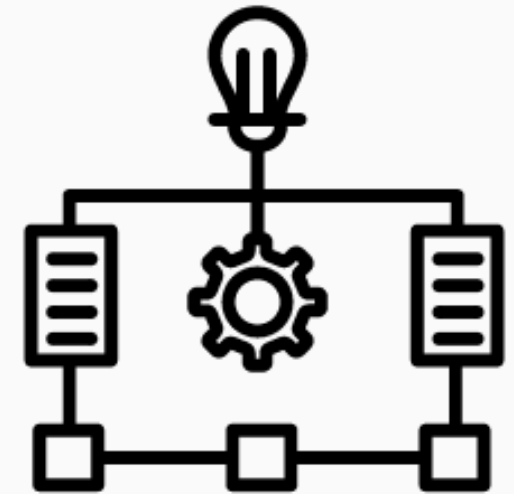


# INTEGRATED ACCESSIBILITY STANDARDS

## *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 Ontario Human Rights Commission (OHRC) website. At the top, there's a navigation bar with links: YOUR RIGHTS, CODE GROUNDS, SOCIAL AREAS, EDUCATION & OUTREACH, and OUR WORK. Below this, the page title is "Working Together: The Code and the AODA". On the left, a list of five parts is shown: 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. The main content area features a video player for "Part 1: Introduction" and a description: "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.'" Below the video player, there are five thumbnail images representing the other parts of the training: Part 2. The Code, Part 3. Understanding the Duty to Accommodate, Part 4. Applying Human Rights Principles, and Part 5. Compliance and Enforcement.

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.

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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

# POLICIES AND TRAINING

## More Free Training at:


- <https://accessforward.ca/>

**AccessForward**  
*Vers l'accessibilité*  
Training for an accessible Ontario


Home | Training Modules | Additional Training Resources | FAQs

see the module formats available.

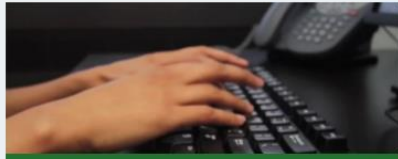
### TRAINING MODULES



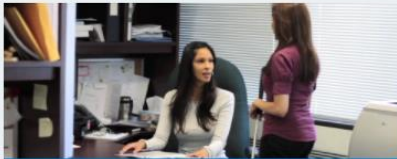
**Customer Service Standard**  
View Training Module




**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

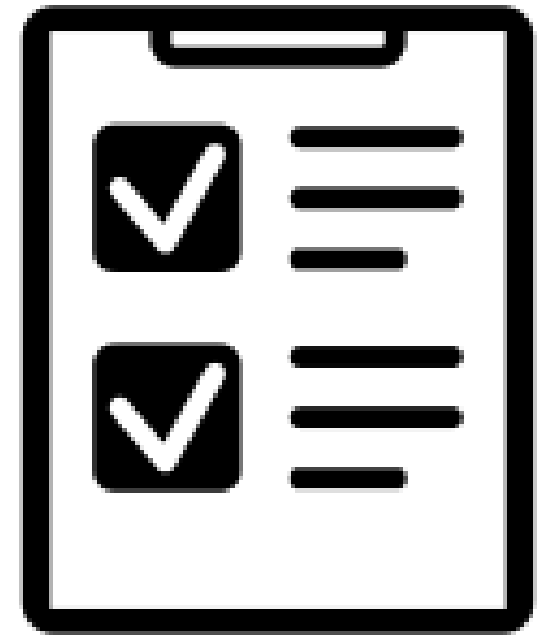


**Transportation Standard**  
View Training Module

# 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?

# SPEAKERS



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

**MAY 27 | MANDATORY VACCINATION**

**INVITATIONS TO BE SENT SOON!**