Accessibility Quiz



QUESTION

An employee who becomes an alcoholic and is unable to perform his/her duties cannot claim alcoholism as a disability for the purposes of AODA. Yes or No?

ANSWER

No.

A Person who becomes an alcoholic and cannot perform his/her duties can claim this condition as a “disability” for the purposes of the AODA legislation.

WHY IS IT RIGHT

ISSUE – COMPLIANCEWITH ACCESSIBILITY FOR ONTARIO’S WITH DISABILITIES ACT (AODA)

- All organizations with 1 or more employee(s) in Ontario must comply with the AODA. The AODA applies to all municipalities in the province, as well as ministries and agencies of the Ontario government, nonprofits, and businesses. The AODA includes mandatory requirements and deadlines which began as of January 1, 2010.
- AODA sets minimum accessibility standards for organizations in Ontario.
- Human Rights Commission Ontario addresses and protects the rights of individuals.

WHY IS EVERYTHING ELSE WRONG

1. AODA

How does the AODA define an organization’s size?

A small organization is one with 1-49 employees and a large organization is one with 50+ employees.

What is the definition of an employee under the AODA?

An employee is someone in an employee-employer relationship with an employer. Usually

this will depend on whether you pay the employee wages or a salary, have control over the work assigned to the employee, and have a right to control the details of the work. An employer needs to determine who is included as an employee based on the individual situation or circumstances. In most situations it is clear whether someone is an employee or not.

How do I count the number of employees that I have?

To determine the size of your organization, and the requirements you must comply with, count all full-time, parttime, seasonal, and contract workers. Do not count volunteers and independent contractors such as plumbers and electricians. Employee size is determined by identifying your organization's peak employee count at any one time over the previous twelve-month period. Employees based outside of Ontario, volunteers and independent contractors are not included for counting purposes.

How is the AODA enforced?

The AODA allows for enforcement of the standards through inspections, compliance orders and administrative penalties. These are being done on a regular basis. The Accessibility Directorate of Ontario is responsible for the enforcement of the Act and "uses all of the provisions available to enforce the Act". The following enforcement provisions are included within the Accessibility for Ontarians with Disabilities Act: inspections, Director's Orders, administrative penalties, and court enforcement. Ontario accessibility legislation may be enforced through inspections, compliance orders, administrative penalties and other regulatory enforcement mechanisms.

What is the definition of a "disability" under the AODA?

The **Accessibility for Ontarians with Disabilities Act, 2005 (AODA)** uses the same definition of "disability" as the **Ontario Human Rights Code (OHRC),** which includes both visible and non-visible disabilities. Disability impacts the lives of many Ontarians, and the numbers of people with disabilities is increasing. A significant portion of Ontario's population lives with disabilities, and accessibility obligations continue to evolve as the population ages. Under the OHRC, "disability" means,

1. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
2. a condition of mental impairment or a developmental disability,
3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
4. a mental disorder, or
5. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;

The definition includes disabilities of different severity, visible as well as non-visible disabilities, and disabilities the effects of which may come and go. **Example:** A person with arthritis has a disability that over time may increase in severity. **Example:** A person with a brain injury has a disability that is not visible. **Example:** A person with multiple sclerosis has a disability that causes her to experience

periods when the condition does not have an effect on her daily routine and other periods when it does. It is important to understand that information about a disability is personal and private and must be treated confidentially. In most cases it will not be necessary to ask for proof of a disability.

Who can I contact if I want to report an AODA violation?

For current accessibility compliance information, reporting processes and support resources, consult the official Government of Ontario accessibility website.

Are there penalties for non-compliance?

The AODA allows for monetary penalties for any violation to the Act. The maximum penalties under the AODA include:

- A person and unincorporated organizations that are guilty of a major offence under this Act can be fined up to $50,000 dollars for each day the violation continues
- A corporation that is guilty can be fined up to $100,000 per day
- Directors and officers of a corporation with fiduciary responsibility who are guilty are liable to a fine of up to $50,000 a day

2. TRAINING

Who needs to get training on the AODA?

- **All** employees and volunteers – including paid and unpaid positions – regardless of whether they have contact with the public;
- Anyone who participates in developing an organization's policies, including Board Members; and
- Anyone who provide goods, services or facilities on behalf of your organization – including outsourced services, such as facilities management, payroll and contact centres.

All large organizations must keep records of the number of people who were trained, and the dates that training was provided, but we recommend that all organizations keep training records.

How in-depth does our AODA training need to be?

Individuals require a minimum level of training, such as is offered by our **online AODA training courses**, and additional training can be given based on the duties of their jobs.

How often do we need to train our staff and volunteers?

Organizations are required to train existing and new people at the organization as soon as practicable, and on an on-going basis for anyone who is new. You also need to provide training whenever changes to your accessibility policies are made and, possibly if someone changes their job duties.

I have taken AODA training at my office. Do I need to retake this training as a volunteer outside my workplace?

Yes, you are required to take training in each of your jobs, as the training may be different and specific to the job duties or volunteer responsibilities.

3. WEBSITE AND APPS

Do we have to make our website accessible?

Organizations subject to the AODA must ensure that applicable websites, web content and digital services comply with current accessibility requirements under Ontario accessibility legislation. A “new” website means:

- a site with a new domain name (i.e. a brand new website address, and not a new page or link on the existing site); or
- a site with an existing domain name undergoing a significant refresh. Significant refresh may include, but is not limited to, a new look and feel, changes to navigability, or the majority of content is being updated or changed.

Organizations must ensure web accessibility compliance in accordance with current AODA requirements and applicable WCAG standards, including current WCAG accessibility standards adopted or referenced under Ontario accessibility requirements.

Do mobile apps need to be made accessible and meet AODA requirements?

Mobile applications (smart phone applications/mobile apps) that are internet-based would have requirements under the standard. Organizations should assess accessibility obligations for mobile applications and digital platforms in accordance with current AODA and applicable accessibility standards. Organizations will need to assess their mobile application to determine whether it is internet-based or not.

What does “significantly refreshed” mean?

This means you are keeping the same web address, but you are making changes such as:

- a new look and feel to the website
- how users navigate around it
- a major update and change to the content of the website

4. GENERAL

Do we have to make the office we rent accessible? Who is responsible us or the property owner?

Organizations are not required to retrofit buildings or public spaces under the AODA. Building accessibility (such as requirements for elevators, power door operators, and accessible entrances) is governed by the Ontario Building Code. The Building Code does not require organizations to retrofit existing buildings when no renovations are planned. Under the Building Code, barrier-free design requirements must be included when a new building is constructed, when an existing building undergoes an extensive renovation, or when a building is renovated because of a change to how the building is used. Otherwise, under Ontario’s Building Code, it is grandfathered. The Design of Public Spaces Standard under the AODA applies to new construction and planned redevelopment of existing elements only, such as public eating areas for public use, recreational trails and beach access routes. If an organization plans to do renovations to the office it rents, the party who is responsible for meeting accessibility requirements is the party that has this authority to undertake renovations per the legal agreement between the landlord and tenant. It is advisable to consult legal services to determine this.

Do we have to comply with the AODA if we operate in Ontario but our head office is elsewhere?

Any organization located in Ontario that has one or more employee(s) and that also has other offices outside Ontario is required to comply with the AODA.

What if another company provides some of our services?

An an organization with obligations under the AODA, you must ensure that the policies, procedures and practices that govern the provision of your goods or services are compliant with the AODA, regardless of who is providing the goods or services on your behalf. For example, you may contract or pay another company to provide billing and collections services, or delivery and installation services, on your behalf. As the organization who contracts the other company, you must ensure the contracted company fulfills your obligation under the AODA. If the goods or services are provided in Ontario, this applies even if the contracted company has no staff in Ontario.

What if I am self-employed?

If you are self-employed, either as a sole proprietor or in a partnership, you should not count yourself as an employee in determining how many employees you have. In this situation you and any business partner that you may have are not employees. However, any other individuals who work for you may be considered employees depending on the nature of the relationship. If you run your own business and it is incorporated, you may be an employee of the corporation along with other employees you have.

Who must take care of a service animal while its owner is accessing goods or services?

It is the responsibility of the owner of the service animal to provide for the maintenance and care of the service animal while accessing an obligated organization’s goods or services.

Who can I contact if my rights have been violated?

THE AODA SETS MINIMUM ACCESSIBILITY STANDARDS FOR ORGANIZATIONS OPERATING IN ONTARIO, WHEREAS THE ONTARIO HUMAN RIGHTS COMMISSION ADDRESSES AND PROTECTS THE RIGHTS OF INDIVIDUALS.

- **For human rights policies, guidelines and other information in Ontario**, visit the Ontario Human Rights Commission website at ohrc.on.ca
- **To talk about your rights or if you need legal help with a human rights claim**, contact the Human Rights Legal Support Centre at Telephone: 416-597-4900Toll Free: 1-866-625-5179TTY: 416-597-4903 or Toll Free: 1866-612-8627
- **To file a human rights claim (called an application)**, contact the Human Rights Tribunal of Ontario at: Toll Free: 1-866-598-0322
- If you are an individual with a disability, you may also be able to get information and support from ARCH Legal Disability Law Centre, a specialty legal aid clinic that provides legal services to people with disabilities.
- If you wish to file a complaint against a specific business about accessibility or the way they provide services to people with disabilities, contact the business directly.
- To do so, use the business’s feedback process required under the AODA’s Customer Service Standard.
- If you prefer to provide feedback or report a suspected AODA violation in

writing, you can send your comments to accessibility@ontario.ca.

I have questions related to building accessibility. Who can help me?

The AODA addresses accessibility in public spaces while requirements for making buildings accessible is addressed by the Ontario Building Code. If you have questions about what you need to do, or what you could do to make your building more accessible, contact your local municipality's Planning Department.

Do we need to offer signing support if we host events?

Section 12 of the Information and Communications Standard requires organizations to provide or arrange for the provision of accessible formats and communication supports for people with disabilities upon request. This must be done in a timely manner and at a cost that is no more than the regular price charged to others. When an individual requests an accessible format or communication support, you must work with the person to figure out how to meet their needs. The Information and Communications Standard gives organizations the flexibility to decide on the most appropriate accessible format or communication supports to provide, given the needs of the person and the organizations' capacity to deliver. The legislation does not define "capacity to deliver".

There are many ways to provide and receive information and communications in an accessible manner. Some examples include, but are not limited to:

Accessible electronic formats such as HTML and MS Word;

- Braille;
- Accessible audio formats;
- Large print;
- Repeating, clarifying, or restating information, reading the written information aloud to the person directly;
- Captioning or audio description; and
- Sign language interpretation and intervenor services.