

AODA: 2015 Compliance Requirements For Ontario Employers



In 2005, Ontario passed the *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”). The objective of the AODA is to remove all barriers to persons with disabilities in Ontario by 2025.

Since its inception, the AODA has imposed a series of obligations on businesses providing goods and services in Ontario by creating two mandatory accessibility standards: the Accessibility Standards for Customer Service and, more recently, the Integrated Accessibility Standards (the “IAS”).

Compliance with certain requirements under these standards came into effect in January 2012 and again in January 2014 (for more information, please see our previous e-lert on this topic).

Effective January 1, 2015, the following additional requirements come into effect.

1. IAS Training

Large private sector employers (organizations with 50 or more employees in Ontario) must ensure that training is provided on the requirements of the IAS and the Ontario’s *Human Rights Code* (the “Code”) as it pertains to persons with disabilities. It is important to note that the training required under the IAS is different from the training required in 2012 under the Accessibility Standards for Customer Service.

The AODA does not provide direction as to the specific content of the IAS training however the Ministry of Economic Development, Employment and Infrastructure has offered the following guidance:

- Training should include information about achieving accessibility by 2025 and highlight the applicable requirements of the IAS. In providing this

training, organizations must understand their requirements under the *Code* and the differences between the *Code* and the IAS.

- The training must be provided to employees, volunteers, individuals who participate in the development of an organization's policies, and all other persons who provide goods, services, or facilities on behalf of the organization.
- The training must be tailored to the specific duties and roles of the individuals being trained and records of any conducted training must be kept.
- New employees and other individuals coming within the scope of the training obligation must be trained as soon as practicable and on an ongoing basis to the extent there are any changes to an organization's accessibility policies.
- Organizations have the flexibility to determine the best training method and format. For example, the training can be delivered in handouts or as PowerPoint presentations in orientation sessions or staff meetings, or as on-line training modules.

For organizations with less than 50 employees, training obligations will become effective on January 1, 2016.

2. Feedback Process

Large private sector employers that have processes for receiving and responding to feedback (for example, customer surveys) must ensure that the processes are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and communication supports. Organizations with feedback processes are also required to notify the public about the availability of accessible formats and communication supports.

For organizations with less than 50 employees, feedback-related obligations will become effective on January 1, 2016.

3. Self-Service Kiosks

As of January 1, 2014, large private sector employers were required to consider the accessibility for persons with disabilities when designing, procuring or acquiring self-service kiosks. A "kiosk" means an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both.

For example, electronic terminals used for parking payments, ticket validation or retail self-check-out purchases are considered kiosks.

Effective January 1, 2015, this requirement will apply to organizations with 50 or less employees.

4. Accessibility Policies

As of January 1, 2014, large private sector employers were required to develop, implement, and maintain policies governing how they achieve or will achieve accessibility through meeting the requirements of the IAS. The policy must be contained in a written document and include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner. Upon request, the policy must be made publicly available and

provided in an accessible format.

Effective January 1, 2015, this requirement will apply to organizations with 50 or less employees.

Please note that the above list is not exhaustive of the requirements for employers under the AODA and more changes are coming. Most notably, effective January 1, 2016, employers will be required to come into compliance with the AODA employment standards, which will involve re-vamping existing human resources practices to explicitly consider and respond to accessibility issues in the workplace relating to, for example, recruitment, accommodation and return-to-work processes.

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