

Comply With The AODA Or Pay The Piper



The *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”) is an Ontario law whose purpose is to develop, implement and enforce accessibility standards in order to achieve accessibility for Ontarians with disabilities by 2021. Since January 1, 2012 Ontario employers with 20 or more employees were required to be compliant with the AODA’s Customer Service Standard. Compliance includes filing an Accessibility Report.

Likewise, since January 1, 2014, Ontario private sector employers with 50 or more employees have been required to comply with requirements under the AODA’s Integrated Accessibility Standard. This includes filing another Accessibility Report on or before December 31, 2014.

Employers were well warned that non-compliance could lead to penalties and fines. Most employers have probably complied. Unfortunately some have not. We are aware of a number of recent decisions from the Ontario License Appeal Tribunal dealing with employers that did not file an Accessibility Report in respect of the Customer Service Standard.¹ In each case, the ultimate punishment was a \$500 penalty.

Compared to the possible \$15,000 penalty that an employer can face under the AODA, these penalties are relatively light. However, in our view, Ontario employers should view these decisions as a harbinger of increased enforcement and future non-compliance cases where employers receive larger penalties. Fines can also be levied; corporations can be fined up to \$100,000 per day.

Eligible employers would be wise to confirm that they are AODA compliant and be sure to file their Integrated Accessibility Standard Accessibility Report on or before December 31, 2014 (if they haven’t already).

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