

The Ontario Employment Accessibility (AODA) Deadline Looms



Ten years ago, Ontario adopted a law to ensure full accessibility to employment for people with disabilities. Here's a quick overview of the law and the key HR processes you must have in place by January 1, 2016 to comply.

OVERVIEW

What Is Accessibility: Accessibility means removing barriers preventing the disabled from participating in different aspects of public life, including physical accommodations like installing wheelchair ramps on stairways, and administrative allowances like waiving a no-pets policy for tenants with service animals.

What Is the Employment Accessibility Standard: In 2005, Ontario passed a law called the *Accessibility for Ontarians with Disabilities Act* (AODA) giving the Ministry of Community and Social Services authority to adopt accessibility standards for different activities. On June 3, 2011, the Ministry issued the final AODA accessibility standard for employment.

What the Standard Requires: Employers with 50 or more Ontario employees must take seven measures to make their workplaces accessible by January 1, 2016. If you have fewer than 50 employees, you don't need to be in compliance until January 1, 2017.

Recruitment & Hiring: Employers must notify job applicants of their right to request accommodations to pre-employment assessment materials and procedures, e.g., that job application forms be furnished in Braille. Employers must also explain their accommodation policies for employees to disabled job applicants to whom they offer jobs.

Individual Accommodation Plans: You must establish a written process for developing individualized accommodation plans for each disabled employee

addressing, among other things:

- How the employee can participate in developing the individual accommodation plan;
- How the individual assessment process works;
- How the employer can request an evaluation by an outside medical expert, at the employer's expense, to advise on how accommodation can be achieved;
- How the employee can request that a union or other representative participate in developing the plan;
- The steps taken to protect the privacy of the employee's personal information; and
- How and how often the plan will be reviewed and revised.

Communication Formats: Employers must provide disabled employees the information they need to do their job and information that's generally available in the workplace in "accessible formats" using appropriate "communication supports," e.g., intranet services that provide information verbally to the visually impaired.

Return To Work: Companies with 50 or more Ontario employees must develop a return to work process for employees who are absent due to their disabilities, that:

- Outlines the steps the employer will take to facilitate their return to work; and
- Integrates the individual accommodation plan discussed above into the process.

Performance Management: Performance management processes must accommodate the accessibility needs of any disabled employees to which they apply.

Career Development: Employers that provide employees career development must account for the accessibility needs of disabled employees.

Redeployment: Redeployment must take the accessibility needs of disabled employees into account.

WHAT TO DO

Don't panic. Most of the required accessibility processes under AODA are also required by the *Human Rights Code*, specifically the provisions requiring employers to make reasonable accommodations for persons with disabilities. But also don't assume that you already have everything you need. By January 1, you need to review your accommodation rules and procedures and verify that they are in writing and provide for all AODA requirements.

If you have fewer than 50 Ontario employees, you have a little more time since the deadline for compliance is January 1, 2017. In doing your AODA review, also recognize that the return to work process that's mandatory for the 50-and-over employers is optional for you, unless WSIB requirements dictate otherwise.