



ONTARIO **ELECTRICAL** LEAGUE

# Dialogue

A Publication of the Ontario Electrical League

Issue 33-4 Fall 2011

# The Accessibility for Ontarians with Disabilities Act: It Impacts Your Business

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In June 2005, the Ontario Government passed the *Accessibility for Ontarians with Disabilities Act* (the “AODA”). The goal of the AODA is to make Ontario accessible to persons with disabilities by the year 2025. To accomplish this goal the government is enacting mandatory “Accessibility Standards” targeted at areas key to daily living.

The first two standards to come into force are the *Accessibility Standards for Customer Service* (“Customer Service Standard”) and the *Integrated Accessibility Standards* (“Integrated Standard”).

## Does your Business Need to Comply?

There is a common misconception the Accessibility Standards apply only to businesses operating in the customer service industry (i.e. retail, hospitality, professional service firms etc.). This is not the case.

The Customer Service Standard and Integrated Standard have broad application. They apply to *every organization that provides goods or services to the public or to other third party organizations and that have at least one employee in Ontario.*

This includes an electrical contractor.

## The Customer Service Standard

The private sector is required to comply with the Customer Service Standard by January 1, 2012. Compliance includes:

1. Establishing policies, practices and procedures governing the provision of the organization’s goods and services to persons with disabilities. This includes reviewing existing policies, practices and procedures and amending them where possible to remove barriers faced by persons with disabilities.
2. Ensuring the organization, and individuals who interact with the public or other third parties on behalf of the organization, communicate with persons with disabilities in a manner that takes into account their disability.
3. Establishing a policy that addresses the use of assistive devices (i.e. wheelchairs, tele-typewriters, etc.) by persons with disabilities to access the organization’s goods and services; and ensuring the policy identifies measures the organization utilizes to enable persons with disabilities to access its goods or services.
4. Permitting persons with disabilities to bring service animals or guide dogs with them onto those areas of the organization’s premises open to the public or to third parties, unless otherwise excluded by law.
5. Permitting persons with disabilities to be accompanied by a support person in those areas of the organization’s premises open to the public or third parties, while accessing the organization’s goods and services.
6. Establishing a method of notifying the public when facilities or services persons with disabilities require to access the organization’s goods and services are temporarily unavailable.
7. Providing training on the topics identified in the Customer Service Standard to all individuals who interact with the public or other third parties on behalf of the organization or who participate in the development of the organization’s policies, practices and procedures that govern the manner in which the organization delivers its goods and services.
8. Establishing a process through which customers can provide feedback about the manner in which the organization provides goods or services to persons with disabilities; and identifying how the organization will respond to complaints.

Organizations with twenty or more employees must also ensure all of the mandatory requirements of the Customer Service Standard (as described in points 1 to 8 above) are set out in writing, and advise the public the documents are available, in an accessible format, upon request. Finally, organizations with 20 or more employees must file annual “Accessibility Reports” with the Ministry of Community and Social Services (the “Ministry”).

## The Integrated Standard

The Integrated Standard includes accessibility requirements in the areas of employment, information and communication and transportation.

Unlike the Customer Service Standard compliance with the Integrated Standard will be phased in between 2012 and 2021. As well, not every organization is obligated to comply with every accessibility requirement within the broader Integrated Standard.

The Integrated Standard separates organizations into different classifications. In the private sector there are two classifications: (i) organizations with 50 or more employees (“Large Organizations”) and (ii) organizations with at least 1 but fewer than 50 employees (“Small Organizations”). Classification will determine which accessibility requirements are applicable to the organization and the date upon which the organization is required to comply.

### Accessibility Requirements for January 1, 2012

There are two accessibility requirements under the Integrated Standard with which every organization in the private sector must comply by January 1, 2012.

1. An organization that prepares emergency procedures, plans or public safety information and makes this information available to the public must provide this information in an accessible format or with appropriate communication supports (i.e. captioning, plain language), as soon as practicable, upon request.
2. An organization must provide individualized workplace emergency response information to any employee with a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee’s disability. If an employee who receives this information requires assistance, with the employee’s consent, the employer must provide the workplace emergency response information to the person designated by the employer to provide assistance to the employee.

The remainder of the accessibility requirements under the Integrated Standard, applicable to the private sector, take effect between 2013 and 2021. Sherrard Kuzz LLP will update you as compliance deadlines approach. ☺

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