

ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT
Standards Development Committee Review and Request for Public Feedback

May 2018

In March 2017, the Minister Responsible for Accessibility (“Minister”) established a Standards Development Committee (“SDC”) to review the Employment Standards provisions of the *Accessibility for Ontarians with Disabilities Act* (“AODA”). A year later, the SDC published its Initial Recommendations Report (“Report”), in which it identified eight recommendations to address perceived gaps in the AODA.

Until May 5, 2018, the SDC is requesting feedback on the Report through an online survey available at: <https://www.ontario.ca/page/improving-accessibility-standards-employment>.

Eight Recommendations:

1. **Strengthen and Clarify Guidelines:** Strengthen guidelines and provide clarification for employers regarding the differences between AODA Employment Standards and the Ontario *Human Rights Code*.
2. **Include Definition of “Employee”:** Include a definition of “employee” in the AODA, to address present confusion regarding whether “employee” includes “worker” under Ontario’s *Occupational Health and Safety Act*, and applies to an intern or contractor.
3. **Expand Notification of Availability of Accommodation:** Expand notification of availability of accommodation during recruitment, to include notification of availability of accommodation during employment.
4. **Enhance Guidelines for Accessible Recruitment, Assessment or Selection Process:** Enhance employer-guidelines about how to make recruitment, assessment and selection more inclusive.
5. **Review and Promote Notice to Successful Applicants:** Review and promote guidelines regarding notification to successful applicants of the availability of accommodation.
6. **Emergency Response Information:** Section 27 of the Employment Standards requires an organization to prepare individualized emergency response information, upon request. The

Report recommends removing the word “individualized” and addressing individual emergency response needs through an individual accommodation plan.

7. **Creation of a Centralized Portal for Individual Accommodation Plans:** Creation of a centralized portal with resources, to assist employers.
8. **Enhanced Information Regarding Return to Work:** Provide more information regarding the return to work process and obligations, including scenario examples.

For assistance achieving and/or maintaining compliance with the AODA standards applicable to your organization, and/or providing feedback on the Report, contact the employment law experts at Sherrard Kuzz LLP.

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