

# Yes! The Accessibility for Ontarians With Disabilities Act applies to the construction industry

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There is a perception among some that the *Accessibility for Ontarians with Disabilities Act (AODA)* does not apply to the construction industry. This perception is incorrect.

The AODA applies to every organization that provides goods, services or facilities to the public or other third parties and has at least one employee in Ontario. While some construction organizations do not provide goods, services or facilities directly to the public, they do provide goods and services to third parties. As such, the AODA will and does apply to most construction organizations.

## What construction organizations need to know

As of today's date, the *Accessibility Standards for Customer Service (Customer Service Standards)* and the *Integrated Accessibility Standards (Integrated Standards)* are in force. The Integrated Standards include the employment standards, transportation standards, information and communication standards and design of public spaces standards.



## Customer Service Standards

The Customer Service Standards require organizations to develop and implement policies, procedures and practices aimed at ensuring goods and services are provided to the public and third party organizations in a manner that is accessible to persons with disabilities; and to train employees on how to provide accessible customer service.

Every private sector organization was required to have complied with the Customer Service Standards by Jan. 1, 2012 and organizations with 20 or more employees were required to have filed an online report with the government confirming compliance by Dec. 31, 2012.

The Integrated Standards

As of Jan. 1, 2012 every private sector organization was required to have:

- Provided emergency procedures, plans or public safety information, which the organization makes available to the public, in an accessible format or with appropriate communication supports (i.e. captioning, plain language), as soon as practicable, upon request.
- Provided individualized workplace emergency response information to employees who have 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.

As of Jan. 1, 2014 every private sector organization with 50 or more employees must...

- Develop, implement and maintain policies regarding what the organization will do to meet the requirements of the Integrated Standards and become more accessible.
- Develop (and post on the organization's website if one exists) a multi-year accessibility plan to address how the organization will (i) meet accessibility requirements under the Integrated Standards (ii) remove existing barriers to accessibility and (iii) prevent and remove future barriers to accessibility.

By Jan. 1, 2014 organizations with 50 or more employees must begin to...

- Ensure new websites (including a significant refresh) and web content on those

sites conform to the World Wide Web Consortium Web Content Accessibility Guidelines 2.0, Level A.

- Have regard to accessibility for persons with disabilities when designing, procuring or acquiring self-service kiosks.

## The AODA and the built environment

One of the goals of the AODA is to enhance the accessibility of the built environment. To achieve this goal the Design of Public Spaces Standards applies to the construction and renovation of certain public spaces (e.g., parking lots, waiting areas, external pathways, etc.). These requirements are being phased in between 2015 and 2018.

In addition, amendments to the Building Code Act were filed on Dec. 27, 2013 and will take effect on Jan. 1, 2015. Applicable to new construction and extensive renovations, the amendments address accessibility requirements for washrooms, entrances to and paths of travel within buildings, barrier-free access between floors, fire safety devices and more.

## Bottom line for the construction industry...

The AODA impacts the construction industry. It requires that *accessibility* be incorporated into the manner in which industry members interact with their customers and employees, as well as construct and renovate. As such, the time to become AODA compliant is now.

*Sherrard Kuzz LLP is one of Canada's leading employment and labour law firms representing members of the construction industry. We also have industry-leading expertise in all matters related to the AODA. For more information and/or assistance, contact us at (416) 603-0700 (main); (416) 420-0738 (24 hours); or www.sherrardkuzz.com*



## Accessibility in construction. It's not an option.

Sherrard Kuzz LLP is one of Canada's leading employment and labour law firms representing construction employers. We have expertise in all workplace matters, including the *Accessibility for Ontarians with Disabilities Act*.

We can help your organization achieve and maintain AODA compliance, efficiently and cost-effectively.

Give us a call.



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