



Accessibility for Ontarians with Disabilities

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In 2005, the Ontario government passed the Accessibility for Ontarians with Disabilities Act (“the Act” or “AODA”). The AODA is tightly connected to the Ontario Human Rights code, as it ensures that all Ontarians have equal access to organizations providing goods and services in Ontario. The AODA establishes a standard for accessibility. All businesses and organizations are required to comply with the AODA in an effort to make Ontario accessible for all Ontarians. The businesses and organizations captured by the AODA include every business and organization in the public and private sectors in the Province of Ontario. This applies to housing, places of employment, and public retailers, to name a few.

The AODA sets an accessibility standard that businesses and organizations must meet. It requires businesses and organizations to identify, remove and prevent barriers for people with disabilities. It is an attitude change, which empowers business and organization employees to be confident when providing customer service to people with disabilities. Disability is more than physical, and includes, mental impairment, learning dysfunction or disability, mental disorder, and any injury or disability for which benefits were claimed or received. The standards that need to be met are based on the determination made by the Ontario’s Accessibility Standards Advisory

Council/Standards Development Committee (the “committee”). In defining the standard, the Committee first determined a set of goals, and targets for that standard. Once the goals and targets were set, the committee subsequently set policies that would achieve that standard in a manner that was not overly burdensome to persons and organizations.

To ensure compliance and reduce the burden with meeting the AODA, the Act sets accessibility standards that are to be phased in over time. The phasing in of the accessibility standards started in 2011 and is set to be complete by 2025. The rolling phases incorporate two key components. The first component deals with understanding accessibility. All businesses and organizations must create “an accessible customer service plan” that outlines how their business or organization will provide service to people with disabilities. This includes identifying potential barriers and figuring out ways of dealing with them. The second component deals with implementing the accessible customer service plan. Businesses and organizations are required to train their staff to provide accessible customer service. Staff are required to be trained on how to communicate with people with different types of disabilities and how to interact with people who use assistive devices or service animals.

Within the AODA, businesses and organizations are divided into two categories: large



businesses/organizations (with 50+ employees), and small businesses/organizations (with 1-49 employees). The size of the business and organization determines the type of accessibility standard that is to be phased in at any given year. As we are currently in the sixth (6th) year of the phasing in of AODA accessibility standards, businesses and organizations should have already implemented a number of the accessibility standards. For example, in 2016 compliance with the AODA required small and large businesses and organizations to provide accessible customer service, provide accessible transportation services, provide accessible emergency information, create an accessibility policy multi-year plan, buy goods, services or facilities that are accessible, make websites accessible, train staff on accessibility laws, provide assessable forms of feedback, make employment practices accessible, and file multiple Accessibility Compliance Reports.

The current 2017 requirements are minimal, as large and small businesses/organizations are required to file an Accessibility Compliance Report.

Enforcement of the AODA has been minimal, but there are plans to target large retailers with accessibility blitzes. To ensure compliance, it is recommended that all businesses and organizations develop and have in place written processes for the development of accommodation plans. These written accommodation plans should include the manner in which an employee can request an evaluation, the means in which the employee is assessed,

how the employee took part in the accommodation plan, how it is determined if the employer can accommodate, and if so, what was done to accommodate the employee, the steps taken to protect the privacy of the employee, the frequency of accommodation reviewal, and, if accommodation is denied, in what manner and for what reasons.

About the Author Rade Sajic

Rade Sajic is a lawyer in the Intellectual Property group and a professionals take great pride in helping people during some member of the SorbaraLaw litigation group, practising in the areas of life's most difficult times. However, we can't forget that of commercial litigation and employment law.

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