

# Labour & Employment Law Bulletin

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## The Accessibility for Ontarians with Disabilities Act, 2005: Have You Complied?

**By: Lorenzo Lisi and Fiona Brown**

### **What is the Accessibility for Ontarians with Disabilities Act, 2005?**

The *Accessibility for Ontarians with Disabilities Act, 2005* (the "AODA") is provincial legislation that requires organizations to provide accessibility pursuant to five standards, namely: Customer Service; Employment; Information and Communications; Transportation; and Design of Public Spaces. The AODA has staggered compliance dates.

The Customer Service Standard was the first of the five accessibility standards to become law.

### **Has your organization complied?**

As of **January 1, 2012**, private sector organizations were required to comply with the Customer Service Standard obligations. As of **December 31, 2012**, private sector organizations (with 20 or more employees) were required to file an Accessibility Report online with the Accessibility Directorate of Ontario.

As well, as of **January 1, 2012**, under the Integrated Accessibility Standards Regulation, certain employers were required to prepare individualized response information for employees with disabilities and, upon request, prepare emergency procedures, plans or public safety information in an accessible format.

### **If your organization has not yet complied with the Customer Service Standard, Beware!**

When organizations do not comply with their obligations under the AODA, the government has the power to conduct inspections (without a warrant!), impose monetary penalties and prosecute. The AODA provides for fines as high as \$100,000 a day for an organization!

### **Does the Customer Service Standard of the AODA apply to your organization?**

The answer is most likely YES.

The Customer Service Standard applies broadly to organizations that: i) provide goods or services to "customers," which include the public and other businesses, wholesalers, suppliers and consultants; and ii) have one or more employees in Ontario.

### **What does your organization have to do to comply with the Customer Service Standard of the AODA?**

Broadly speaking, the Customer Service Standard requires organizations to:

1. Create and implement policies and procedures;
2. Publish the policies and procedures in a public and accessible format;
3. Train all workers with respect to the policies; and
4. File a report.

### **What is next?**

Organizations are required to comply with the Integrated Accessibility Standards Regulation. Your organization's obligations and timelines for doing so under the Integrated Accessibility Standards Regulations will depend on how your organization is classified under the Regulation. Broadly speaking, private sector organizations are required to comply with several requirements by January 1, 2014, including: the preparation of an Accessibility Policy and multi-year Accessibility Plan and ensuring that their websites and web content conform with accessibility standards.

The Aird & Berlis LLP Labour & Employment Team strongly encourages organizations to start planning for their compliance with the Employment Standard and the Information and Communications Standard. Organizations wanting to ensure that they have satisfied the Customer Service Standard obligations should contact Lorenzo Lisi at 416.865.7722 or [llisi@airdberlis.com](mailto:llisi@airdberlis.com).

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