Are You Compliant With AODA Standards Effective January 1, 2016?

January 21, 2016

The next phase of *Accessibility for Ontarians with Disabilities Act* (the "AODA") compliance came into effect on January 1, 2016. Private and not-for-profit organizations and small and large public organizations, including public school boards and independent schools, had to comply with requirements under the *Integrated Accessibility Standards Regulation* (the "Regulation") as of the New Year.

1. Small organizations (with fewer than 50 employees in Ontario) must ensure training is provided on the requirements of the standards set out in the Regulation and the *Human Rights Code* as it pertains to persons with disabilities. Training must be provided to all employees, volunteers, all persons who participate in developing the organization's policies, and all other persons who provide goods and services on behalf of the organization. Training must be appropriate to each individual's duties, and it must be provided as soon as practicable, and on an ongoing basis as changes are made to the organization's accessibility policies.

2. Small organizations must ensure processes for receiving and responding to feedback are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and communication supports, upon request. Notice must be given to the public about the availability of accessible formats and communication supports.

3. Small designated public sector organizations and large organizations (with 50 or more employees in Ontario) must provide or arrange for the provision of accessible formats and communication supports for persons with disabilities, upon request, in a timely manner,

4. Large organizations must comply with various Employment Standards set out in the Regulation. There are a number of detailed requirements, including:

- providing external and internal notification of the accommodation of persons with disabilities during the recruitment process;
- informing employees of the organization's policies in support of persons with disabilities;

- developing and implementing a process for the creation of individual accommodation plans and a documented return to work process for employees who have been absent from work due to a disability; and
- ensuring that the organization takes into account the accessibility needs of employees with disabilities when implementing performance management, career development, advancement or redeployment processes.

5. Large designated public organizations must also comply with requirements related to the design of public spaces that are newly constructed or redeveloped.

Public school boards in Ontario are considered designated public sector organizations. As such, depending on the number of employees each public school board has, it has to comply with the requirements applicable to small or large designated public organizations. Independent schools should be complying with the requirements applicable to small or large private organizations, depending on how many employees they have.

The Ministry of Economic Development, Employment and Infrastructure has been very active in monitoring compliance with the AODA over the last few months. We are seeing more enforcement efforts in respect of organizations that are not compliant to date, particularly in the form of spot audits, including a "retail blitz", targeting large retailers in October, 2015.

In order to get ahead of any enforcement efforts and to ensure timely compliance, Ontario's public school boards and independent schools should be thinking about these requirements and they should be taking steps to meet their obligations in a timely manner.

By

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