FTR Now

Are You Prepared for the *AODA*?

Date: November 17, 2011

As the new year approaches, some key compliance deadlines under the *Accessibility for Ontarians with Disabilities Act*, 2005 ("*AODA*") are also approaching. In this *FTR Now*, we review what needs to be done by employers by January 1, 2012.

ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE

By January 1, 2012, private and not-for-profit organizations should be in compliance with the Accessibility Standards for Customer Service, the first standards enacted under the *AODA* (the broader public sector had a January 1, 2010 compliance deadline). Under these standards, private and not-for-profit organizations are required to:

- develop general policies, practices and procedures (which need to address the use of assistive devices) related to the provision of goods and services to persons with disabilities;
- develop policies, practices and procedures related to the use of service animals and support persons by persons with disabilities;
- develop policies, practices and procedures with respect to providing notice of temporary disruptions of certain services or facilities;
- train all staff, volunteers, agents or others who deal with the public or third parties on the organization's behalf;
- establish a process to allow for feedback on how the organization delivers goods and services to persons with disabilities;
- if the organization has 20 or more employees, document the organization's policies, practices and procedures, along with certain training records, and notify the public that the documents are available upon request (and can be provided in an accessible format); and
- if the organization has 20 or more employees, file an annual accessibility report with the government.

In preparing for the Accessibility Standards for Customer Service, organizations should consider building upon current policies, practices and procedures. Your Hicks Morley lawyer can assist you in meeting these requirements. Moreover, the Ministry of Community and Social Services has published a number of helpful compliance materials on its website.

INTEGRATED ACCESSIBILITY STANDARDS

The Integrated Accessibility Standards, the second set of standards to be enacted under the *AODA*, combine accessibility standards in three areas – information and communication, employment and transportation. These standards came into force on July 1, 2011, and have compliance deadlines that will be phased in over a number of years. These standards apply to organizations in the public, private and not-for-profit sectors.

Notwithstanding the phased implementation of the Integrated Accessibility Standards, two specific standards will begin to apply to organizations in all sectors on January 1, 2012:

- the development and provision of 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; and
- for organizations that prepare emergency procedures, plans or public safety information and make the information available to the public, those organizations need to be able to provide the information in an accessible format or with

appropriate communication supports, as soon as practicable, upon request.

In addition to these two specific standards, the Integrated Accessibility Standards have many other requirements with compliance deadlines ranging from 2013 to 2021. All organizations should review the full Integrated Accessibility Standards, and begin to prepare an implementation strategy to ensure that compliance is achieved in a timely fashion. For a more detailed discussion of the Integrated Accessibility Standards, please refer to our June 9, 2011 *FTR Now* – "Ontario Government Releases Final Integrated Accessibility Standards Regulation Under The *AODA*" – which is available on our firm's website.

If you have any questions about your organization's readiness for the *AODA*, please contact your regular Hicks Morley lawyer.

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