

THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT

WORKPLACE ACCOMMODATION IN ONTARIO

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LORMAN EDUCATION SERVICES

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Accessibility for Ontarians with Disabilities Act:

Statistics Canada's 2006 *Participation and Activity Limitation Survey: Disability in Canada*, estimated that approximately 1.85 million people or 15% of Ontario's population had a disability in 2006.¹ This number will continue to grow as the population ages. By 2025, it is predicted that up to 20% of the Ontario population may be disabled.²

In 2005, the Ontario government enacted the *Accessibility for Ontarians with Disabilities Act, 2005* (the "Act").³ The purpose of this landmark legislation is to develop mandatory accessibility standards over a number of years that will identify, remove and prevent barriers for people with disabilities in key areas of daily living. The goal is to make Ontario accessible to people with disabilities by 2025.⁴

This goal is not only the right thing to do, but it makes economic sense. The Royal Bank of Canada has estimated that people with disabilities have spending power of about \$25 billion dollars annually across Canada. They also represent a large pool of untapped employment talent.⁵

1. INTRODUCTION

The Act applies to all public and private sector organizations in Ontario and it requires the development and implementation of standards in the following five specific areas:

- (a) Customer service,
- (b) Employment,

¹ Statistics Canada, *Participation and Activity Limitation Survey: Disability in Canada*, 2006, Table 3.7-1, "Disability rates by sex and age groups, Ontario, 2006" online: <<http://www.statcan.gc.ca/pub/89-628-x/89-628-x2007003-eng.pdf>>.

² Ministry of Community and Social Services, "An Introduction to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)" Queen's Printer for Ontario (2005) online:<http://cfdlearn.ca/courses/pwd_module/downloads/AODA%20Introduction.pdf>.

³ R.S.O. 2005, c. 11 (the "Act").

⁴ Ministry of Community and Social Services, "Publications: About the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)" Queen's Printer for Ontario (2008).

⁵ *Ibid* at page 3.

- (c) Information and communication,
- (d) Transportation, and
- (e) Built environment.

(Collectively referred to as “Accessibility Standards” or the “Standards”).

The Accessibility Standard for Customer Service⁶ (the “Customer Service Standard”) was the first standard adopted as a Regulation to the Act. The Customer Service Standard will have far reaching legal and financial implications for businesses in Ontario, as it will significantly impact the process by which businesses provide goods and services to the public and other organizations.

In 2010, the Ontario government announced that it would integrate the employment, information and communication and transportation standards into one streamlined Regulation, entitled the “Integrated Accessibility Standards” and in July, 2011 it brought into force by way of regulation the Integrated Accessibility Standards.⁷ Over the next few years, they will have a significant impact on those organizations and the way that they accommodate the disabled.

As the purpose of the Act is to eliminate barriers to accessibility for disabled persons, the starting point is the definition of “disability”. Section 2 of the Act defines “disability” in the same way as does the *Human Rights Code*,⁸ (the “Code”) as follows:

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or

⁶ O. Reg. 429/07 (the “Customer Service Standard”).

⁷ O. Reg. 191/11 (the “Integrated Accessibility Standard”).

⁸ Ontario *Human Rights Code* 1990, R.S.O., c. H. 19, s. 10(1) (a).

physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

The Code prohibits discrimination on the basis of disability with respect to the provision of goods, services and facilities, accommodation and employment. It does not, however, set out any specifics on how to ensure that discrimination will not occur. In many cases, the Standards which also deal with the provision of goods, services, facilities and employment, require the same or comparable levels of accessibility as set out in the Code. However, the Standards provide more specific guidelines.

Section 38 of the Act provides that where there is a conflict between an Accessibility Standard and a provision of another act or regulation, the statute that provides for the highest level of accessibility for disabled persons with respect to goods and services, information and communication, employment, transportation or buildings shall prevail. Further, to the extent that the Act and another statute both set different rules that apply to the same business, the business will have to comply with the rules under both statutes.

Although the Act applies to all public and private organizations in Ontario, each Accessibility Standard will not apply equally to all businesses and the scope and timelines for compliance vary between Accessibility Standards and depending upon the size of the business and the nature of the industry involved.

2. THE CUSTOMER SERVICE STANDARD

(a) General

The Customer Service Standard applies to the Government of Ontario, every municipality, designated public sector organizations and all businesses that provide goods and services to the public (i.e. customers, clients, members) or other third parties (other businesses or organizations) and have at least one employee⁹ in Ontario (“Providers”). The Government of Ontario, every municipality and Designated public sector organizations, (which include district school boards, hospitals, universities, public transportation organizations, and various Boards, Commissions and Agencies), were required to comply with this standard by January 1, 2010 and file their first accessibility report by March 31, 2010. Private sector, not-for-profit organizations or other service Providers with at least one employee in Ontario were required to comply with this standard by January 1, 2012.¹⁰ In addition, where a Provider contracts with a second organization to provide services in Ontario, the Provider must ensure that the second organization complies with the Customer Service Standard, even if the second organization does not have employees in Ontario.¹¹

A summary of the key aspects of the Customer Service Standard based on the guidance provided by the Ministry of Community and Social services can be found in the “Compliance Manual: Accessibility Standards for Customer Service, Ontario Regulation 429/07”¹² and “The Guide: Accessibility Standards for Customer Service, Ontario Regulation 429/07”¹³. The Ministry also provides a brief summary of the requirements in “Accessibility Standards for Customer Service,

⁹ The Customer Service Standard, *supra* note 6, section 1.1.

¹⁰ The Customer Service Standard, *supra* note 6, ss. 1 and 2.

¹¹ Ministry of Community and Social Services, “Guide: Accessibility Standards for Customer Service, Ontario Regulation 429/07” Queen’s Printer for Ontario (2008) online: <http://209.167.40.96/page.asp?unit=cust-serv-reg&doc=guide&lang=en&page=1#toc_11_c1> (“The Guide”) at page 32.

¹² Ministry of Community and Social Services “Compliance Manual: Accessibility Standards for Customer Service”, Ontario Regulation 429/07” Queen’s Printer for Ontario (October 2008) online: <<http://209.167.40.96/page.asp?unit=cust-serv-reg&doc=workbook&lang=en>> (“The Compliance Manual”).

¹³ The Guide, *supra* note 11.

Summary of Requirements”.¹⁴ These resources, as well as the Ministry’s website at <http://www.mcsc.gov.on.ca/en/mcsc/programs/accessibility>, are a useful reference tool for implementing the requirements of the Customer Service Standard.

(b) Establishing Policies, Practices and Procedures

The Customer Service Standard requires every Provider to establish policies governing the provision of its goods and services to people with disabilities. As “accessibility” may mean different things to different disabled people, the Customer Service Standard requires Providers, in establishing their policies to use “reasonable efforts”¹⁵ to create flexible policies, practices and procedures that can be tailored to the needs of disabled individuals. These policies must uphold the four principles of dignity, independence, integration and equal opportunity.

The Guide provides a useful analysis of the meaning of these four principles.

Policies, procedures and practices that respect the dignity of a person with a disability are those that treat them as deserving of full service as any other customer. For example, a company’s phone lines are usually answered in person. However, the company has a telephone teletype device for use by people who are deaf or who have speech impairment. However, the TTY line is left on its answering machine and the messages are only checked and responded to once a day. In this example, the customers who contact the company using a TTY are expected to accept a lesser service than those people who use a telephone. This does not respect their dignity and does not meet the requirements of the Customer Service Standard.¹⁶

The principle of independence means the freedom to make one’s own choices. For example, people who move more slowly should not be denied an opportunity to participate in a service

¹⁴ Ministry of Community and Social Services “Accessibility Standards for Customer Service, Summary of Requirements”, online: <http://www.ocsa.on.ca/accessible_ontario/documents/SummaryofRequirementsJAN172008EN.pdf>.

¹⁵ According to the Guide, the term “reasonable efforts” is not defined in the Act because it may be different depending upon the services offered by the Provider as well as the resources available to create accessibility. (The Guide, *supra* note 11 at pages 25-26).

¹⁶ The Guide, *Ibid*, at page 27.

because of this factor. In this example, a staff person should not hurry them along or take over a task for them if they prefer to do it themselves in their own way.¹⁷

The principle of integration means providing services that allow people with disabilities to fully benefit from the same service in the same place and in the same or similar way as other customers. However, it will sometimes be necessary to use different means to provide goods and services than those provided to customers without disabilities. For example, using e-mail to communicate with customers who are deaf or have speech impairments is one way of offering phone services to them.¹⁸

The principle of equal opportunity means having the same chances and benefits as others. As a result, a company may sometimes have to treat individuals differently so that they can benefit fully from its services. For example, a coffee shop may have a customer with a mental health disability that makes it difficult for him to be crowded by other people. If a customer explains his disability-related needs and is offered a table apart from others, that supports the principle of equal opportunity since it allows him to have the equal opportunity to enjoy his food and drink.¹⁹

The Compliance Manual provides a sample “Customer Service Policy Template”²⁰ that may serve as a useful reference tool when drafting and revising customer service policies.

(c) Personal Assistive Devices

The Customer Service Standard also requires that a policy must be developed that allows people with disabilities to use their own personal assistive devices to access the goods and services provided. Assistive devices may include a walker, personal oxygen tank, or screen reader software.

¹⁷ The Guide, *Ibid*, at page 28.

¹⁸ The Guide, *Ibid*, at pages 28-29.

¹⁹ The Guide, *Ibid*, at pages 29-30.

²⁰ The Compliance Manual, *supra* note 12, at Appendix B: Customer Service Template.

Assistive devices offered by the Provider to assist disabled individuals must also be identified in the organization's policies, practices and procedures (i.e. Telephone Teletype ("TTY"), amplification systems, sign language interpretation and staff assistance).

(d) Communication

The Customer Service Standard requires that Providers must develop a communications policy that takes into account the different needs of disabled individuals. This may involve providing written documents in alternative formats, such as Braille or large print for individuals who are blind or have vision problems, providing video formatting for the deaf, or using close captioning or TTY services to facilitate communication.

(e) Service Animals and Support Persons

Section 4 of the Customer Service Standard provides that if that the person with a disability is accompanied by a guide dog or other service animal, the Provider must ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her unless the animal is otherwise excluded by law. Regulations under the *Health Protection and Promotion Act* and the *Food Safety and Quality Act, 2001* prohibit animals from being allowed in places where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale subject to an exception for service dogs to allow them to go where food is normally served, sold or offered for sale.²¹

Section 4 of the Customer Service Standard provides that if a person with a disability is accompanied by a support person, the Provider must ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises.

A Provider may require that a person with a disability be accompanied by a support person when on the premises, but only if the support person is necessary to protect the health and safety of the person with the disability or other individuals at the business premises. This risk assessment

²¹ R.R.O. 562, ss. 59 and 60; and O. Reg. 31/05.

must be based on an *actual* health and safety threat posed to the particular disabled individual or others, not a perceived threat related to his or her disability.

If a Provider charges an admission fee to enter the business premises, advance notice must be provided of the admission fee. However, there is no requirement to provide free entrance or a reduced fee to a support person.²²

(f) Notice of Temporary Disruption

Section 5 of the Customer Service Standard requires that Providers must give notice as soon as possible of a disruption to any facility or service used by persons with disabilities to access the Provider's goods and services. The notice must include a description and expected duration of the disruption and alternative means to access the Provider's goods and services. The Compliance Manual contains a sample of such notice.²³

Notice of a temporary disruption must be posted in a conspicuous place on the premises by posting it on the Provider's website or by any other method that is reasonable in the circumstances where people are likely to find it. For example, a Provider has scheduled maintenance on one of its elevators and it will be unavailable for several days. The Provider posts the planned disruption on its website a week in advance and posts a sign by the elevator the day before the disruption. The notices explained the reason for the disruption, its expected length and that an alternative elevator was available in another portion of the building.²⁴ This form of notification represents compliance with the Act.

(g) Training

Section 5 of the Customer Service Standard provides that every Provider shall ensure that every person who deals with members of the public or third parties on behalf of the Provider, or participates in developing the Provider's policies, practices and procedures related to the

²² The Guide, *supra* note 11, at pages 39-47.

²³ The Compliance Manual, *supra* note 12, at Appendix C: Sample Documents for Notifying the Public about Disruptions in Service.

²⁴ The Guide, *supra* note 11, at page 53.

provision of goods or services to members of the public shall receive training about the provision of its goods and services to persons with disabilities, whether the person does so as an employee, volunteer, agent, or contractor.

To the extent that management directs monitors or evaluates policies on how goods and services are provided, they must understand the areas covered in training, although they may not need the same training that is provided to front line staff.²⁵

The Customer Service Standard requires that training must cover the following areas:²⁶

- (a) Reviewing the purpose of the Act and the requirements of the Customer Service Standard.
- (b) Instruction on how to interact and communicate with persons with various types of disability.
- (c) Instruction on how to interact with people with disabilities who use assistive devices or require the assistance of a guide dog, other service animal or a support person.
- (d) Instruction on how to use equipment or devices available on the Provider's premises to assist in the provision of goods and services to people with disabilities.
- (e) Instruction on what to do if a person is having difficulty accessing the Provider's services.

Training is an ongoing obligation. Providers must ensure that staff receives training on any changes to its policies, procedures and practices in respect of the provision of goods and services to people with disabilities. Similarly, individuals who are hired or transferred into positions where they have contact with the public or influence the development of policies, practices and

²⁵ *Ibid*, at pages 55-56.

²⁶ The Customer Service Standard, *supra* note 6, s. 6(2).

procedures relating to customer service must receive training as soon as practicable. The Ministry provides a Training Resource²⁷ to assist organizations in fulfilling this requirement.

The Customer Service Standard also requires that every provider that has at least 20 employees in Ontario shall prepare a document describing its training policy and shall keep records of the training provided including the dates on which the training is provided and the number of individuals to whom it is provided.²⁸

In determining whether a Provider has at least 20 employees, it is important to note that “employees” include full-time, part-time, seasonal and contract employees.²⁹

(h) Feedback

Section 7 of the Customer Service Standard provides that every Provider shall establish a feedback process so that anyone can comment on the manner in which it provides goods or services to people with disabilities. The Standards do not, however, require a Provider to respond to all feedback. A Provider can choose its own process for responding to feedback, including complaints and what action to take if a complaint is received.³⁰ The Provider must ensure that the public is aware of the feedback process.³¹

Since people with disabilities use different communication methods because of their disability, feedback should be accepted in different ways. The Standard provides for a variety of options such as in person, by telephone, in writing, electronically, on a diskette or otherwise.³²

²⁷ Ministry of Community and Social Services “Training Resource: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)” Queen’s Printer for Ontario (February 2009) online: <<http://209.167.40.96/page.asp?unit=cust-serv-reg&doc=training&lang=en>> (“The Training Resource”).

²⁸ The Customer Service Standard, *supra* note 6, ss. 6 (5) and (6).

²⁹ The Guide, *supra* note 11, at page 15.

³⁰ The Compliance Manual, *supra* note 12, at page 31.

³¹ The Compliance Manual, *supra* note 12, at Appendix D: Sample Documents for Obtaining Feedback and Appendix E: Sample Notices on the Feedback Process.

³² The Customer Service Standard, *supra* note 4, s. 7(2) and The Compliance Manual, *supra* note 12, at page 31.

(i) Availability of Documents

Designated public sector organizations and Providers with 20 or more employees in Ontario³³ are required to prepare written documents describing its policies and practices and ensuring that the public is aware that these documents are available upon request. These steps must have been completed by January 1, 2010 for designated public sector organizations, and January 1, 2012 for all other Providers of goods and services who have more than 20 employees. These documents must describe the following:

- (a) Its policies, practices and procedures regarding the provision of goods or services to people with disabilities, including policies in respect of the use of assistive devices as well as assistive services available to the public.
- (b) Its policies, practices and procedures permitting service animals and support persons on business premises, including:
 - (i) when service animals are excluded due to another law,
 - (ii) if service animals are excluded, alternative measures to provide goods and services to a disabled person,
 - (iii) if admission is charged for a support person, the amount that is charged, and
 - (iv) the circumstances under which a support person may be required to accompany a disabled person, if applicable.
- (c) The steps that will be taken to provide notice of a temporary disruption, including:
 - (i) under what circumstances notice will be provided about a temporary disruption and where the notice will be posted,

³³ *Exemption from Reporting Requirements*, R.S.O. Reg. 430/07 (Accessibility for Ontarians with Disabilities Act, 2005) (“Exemption from Reporting”).

- (ii) the information the notice will contain, and
 - (iii) the alternative facilities and services, if any that can be made available during the temporary disruption.
- (d) A summary of the training program and details of when training is to be provided.
- (e) The process for receiving, accepting and responding to feedback. 34

The Standards do not provide a form or specify a format that the above information should take, but the documents must be sufficiently detailed to address the issues required. However, if requested, documents must be provided in a format that takes into account the person's disability.

Providers with 20 or more employees are required to file accessibility reports under section 14 of the Act. However Providers with fewer than 20 employees are exempted from this requirement to allow them to focus their efforts on complying with the Customer Service Standard.³⁵

3. THE INTEGRATED ACCESSIBILITY STANDARDS

The Integrated Accessibility Standards establish standards for each of employment, information and communications and transportation. The timelines for compliance vary depending upon the particular standard and the size of the organization. Large organizations are defined as having 50 or more employees in Ontario and small organizations are defined as having at least one but fewer than 50 employees in Ontario.

Section 3 of the Integrated Accessibility Standards require the Government of Ontario by January 1, 2012, large designated public sector organizations by January 1, 2013, small designated public sector organizations by January 1, 2014, large organizations by January 1, 2014 and small organizations by January 1, 2015 to develop, implement and maintain policies governing how the organization achieves or will achieve accessibility. All organizations, other

³⁴ The Customer Service Standard, *supra* note 6, ss. 4. (7), 5. (4), 6. (5) and 7. (4).

³⁵ O. Reg. 430/07.

than small organizations, must prepare one or more written documents describing its policies and must provide them in an accessible format on request. The written policies shall include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner.

Organizations have flexibility to create accessibility policies that best fit their business practices and culture and they may choose to have one or s series of policies on accessibility and they can integrate the policy into their existing policies.³⁶

Section 4 of the Integrated Accessibility Standards require the Government of Ontario by January 1, 2012, designated large public sector organizations by January 1, 2013, small designated public sector organizations by January 1, 2014 and large organizations by January 1, 2014 to establish, implement, maintain and document a multi-year accessibility plan which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this regulation. Further they are required to post the accessibility plan on their website, if they have one, and provide the plan in an accessible format upon request. The accessibility plan must be reviewed and updated every five years.

Section 7 of the Integrated Accessibility Standards requires that every obligated organization shall ensure that training is provided on the requirements of the accessibility standards that are referred to in the regulation and on the Human Rights Code as it pertains to persons with disabilities to,

- (a) all employees and volunteers;
- (b) all persons who participate in developing the organization's policies; and
- (c) all other persons who provide goods, services or facilities on behalf of the organization.

³⁶ Ministry of Community and Social Services, "A Guide to the Integrated Accessibility Standards Regulation", (July, 2012) online:http://www.mcass.on.ca/accessibility/iaer_guidelines/complete_guidelines.pdf ("The Guide to Accessibility Standards"), at page 10.

Every organization, other than small organizations, must keep a record of the training provided, including the dates that training was provided and the number of individuals to whom it is provided.

The Government of Ontario shall meet the requirements of the section by January 1, 2013. Large designated public sector organizations have until January 1, 2014, small designated public organizations and large organizations have until January 1, 2015 and small organizations have until January 1, 2016 to meet the requirements of section 7.

Section 8 of the Integrated Accessibility Standards provides an exemption for small organizations from the requirement to file accessibility reports under section 14 of the Act with respect to the accessibility standards in this regulation. The purpose of this exemption is to reduce the regulatory burden for small organizations and allow them to focus their efforts on complying with the accessibility standards and achieving results.³⁷

(a) The Employment Standards

The employment standards within the Integrated Accessibility Standards (the “Employment Standards”) apply to the Government of Ontario, to every designated public sector organization and to all businesses, with limited exceptions, that have at least one employee in Ontario. They do not, however, apply to volunteers or other forms of unpaid employment.³⁸

The Employment Standards will have a significant impact on how organizations interact with and accommodate disabled employees, as it addresses accessibility issues throughout all aspects of the employment cycle from recruitment, assessment, selection, and hiring to performance management, career development and redeployment.

The timeline for compliance with the Employment Standards varies based on the size of the organization. The Government of Ontario must comply by January 1, 2013, large designated public sector organizations (those with 50 or more employees) must comply by January 1, 2014

³⁷ The Guide to Accessibility Standards, *supra* note 36 at page 27.

³⁸ Integrated Accessibility Standard, *supra* note 7, ss. 1(3) and 20(1) (b).

and small designated public sector organizations (those with fewer than 50 employees) must comply by January 1, 2015. Large organizations (those with 50 or more employees in Ontario) will have until January 1, 2016 to meet the requirements in this standard, while small organizations (those with at least one but fewer than 50 employees) will have until January 1, 2017 to comply.³⁹

However, section 27 of the Integrated Accessibility Standards requires every employer in Ontario with one or more employees to proactively prepare for emergencies by providing employees with disabilities with individualized workplace emergency response information, by January 1, 2012, when the employee's disability is such that the information is necessary and the employer is aware of the need for accommodation because of the employee's disability. It is important that an employer recognizes how an individual's disability, as well as the physical nature of the workplace, may create challenges in an emergency situation. Employees with disabilities may require assistance when evacuating the workplace in an emergency. In these cases, and with the employee's consent, the employer is required to provide the employee's individualized workplace emergency response information to the person designated by the employer to provide assistance to the individual. For example, a person with a hearing disability may not hear the alarm and may need to be notified in other ways. Or an employee with limited mobility may need assistance walking down stairs.⁴⁰

The employer must also review the individualized workplace emergency response information to make sure that it is up-to-date when the employee moves to a different location in the organization, when the employee's overall accommodation needs or plans are reviewed and when the employer reviews its general emergency response policies.⁴¹

The Employment Standards provide that every employer shall:

³⁹ *Ibid*, s. 21.

⁴⁰ The Guide to Accessibility Standards, *supra* note 36, at pages 88-89.

⁴¹ Integrated Accessibility Standard, *supra* note 7, s. 27 (4).

- (a) Notify its employees and the public about the availability of accommodation for applicants with disabilities in the recruitment processes;
- (b) Notify job applicants during a recruitment process when they are individually selected to participate in an assessment or selection process that accommodations are available upon request in relation to the materials or processes to be used;
- (c) If a selected applicant requests an accommodation, consult with the applicant and arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability, so that the accommodations that are provided are effective;
- (d) When making offers of employment, notify the successful applicant of its policies for accommodating employees with disability. This purpose of this requirement is to make sure that successful applicants know an employer's accommodation policies when making career decisions;
- (e) Inform its employees of its policies used to support its employees with disabilities and to inform their employees of any changes to those policies; and
- (f) When an employee with a disability requests it, consult with the employee to arrange for the provision of accessible formats and communications supports for information that is needed in order to perform the employee's job and information that is generally available to employees in the workplace.⁴²

The Employment Standards also provide that employers, other than employers that are small organizations, shall develop and have in place a recruitment process for the development of documented individual accommodation plans for employees with disabilities, which must include the following elements:

⁴² *Ibid.*, ss. 22-26.

- (a) The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan;
- (b) The means by which the employee is assessed on an individual basis;
- (c) The manner in which in the employer can request an evaluation by an outside medical or other expert to assist it in determining if accommodation can be achieved, and if so how the accommodation can be achieved;
- (d) The manner in which the employee can request the participation of a representative from their bargaining agent or other representative from the workplace;
- (e) The steps taken to protect the privacy of the employee's personal information;
- (f) The frequency with which the individual accommodation plan will be reviewed and updated;
- (g) If an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee; and
- (h) The means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.⁴³

In addition, individual accommodation plans shall:

- (a) If requested include any information regarding accessible formats and communication supports;
- (b) If required include individualized emergency response information and
- (c) Identify any other accommodation that is required.⁴⁴

⁴³ *Ibid*, s. 28.

⁴⁴ *Ibid*, s. 28 (3).

The Employment Standards also provide that every employer, other than an employer that is a small organization, shall develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work and shall document that process.⁴⁵

Significantly, an employer that uses performance management in respect of its employees or that provides career development and advancement to its employees is required to take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans when using its performance management process or when providing career development and advancement to its employees with disabilities.⁴⁶

In addition, an employer that uses redeployment must take into account the accessibility needs of its employees with disabilities as well as individual accommodation plans when redeploying employees with disabilities. Redeployment is defined as the reassignment of employees to other departments or jobs within the organization as an alternative to lay off, when the particular job or department has been eliminated by the organization.⁴⁷

(b) Information and Communication Standards

The Information and Communication Standards (the “IC Standards”) within the Integrated Accessibility Standards apply, with limited exceptions, to every business in Ontario. The IC Standards address the need for businesses to provide information and communicate in a way that is accessible to people with disabilities.

For example, it will help people with vision loss access more websites using their screen readers, expand large print and digital collections in libraries and provide students with course materials in accessible formats.⁴⁸

⁴⁵ *Ibid.*, s. 29.

⁴⁶ *Ibid.*, ss. 30-31.

⁴⁷ *Ibid.*, s. 32.

⁴⁸ The Guide to Accessibility Standards, *supra* note 36, at page 29.

The IC Standards refer to “accessible formats” which is defined by the Integrated Accessibility Standards as including but not limited to large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities and to “communication supports” which is defined by the Integrated Accessibility Standards as including but not limited to captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.⁴⁹

There are many ways to provide information and communicate in an accessible manner:

- Accessible electronic formats such as HTML and MS Word
- Braille
- Accessible audio formats
- Large print
- Text transcripts of visual and audio information
- Reading the written information aloud to the person directly
- Exchanging hand-written notes
- Captioning or audio description
- Assistive listening systems
- Sign language interpretation and intervenor services
- Repeating, clarifying or restating information⁵⁰

The Government of Ontario must notify the public about the availability of accessible formats and communication supports by January 1, 2013. Large designated public organizations have

⁴⁹ Integrated Accessibility Standard, *supra* note 7, s. 2.

⁵⁰ The Guide to Accessibility Standards, *supra* note 36, at pages 39-40.

until January 1, 2014 to do so, while large organizations and small designated public organizations have until January 1, 2015. The deadline for small organizations is January 1, 2016.⁵¹ This information can be posted on their premises, such as bulletin boards in public areas, on their website or through other reasonable means.⁵²

Organizations are required, upon request, to provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. If an organization does not charge a fee for documents, then it cannot charge fees for accessible formats of the documents.⁵³ Further, they are required to consult with the person making the request in determining the suitability of an accessible format or communication support. The deadline for the Government of Ontario is January 1, 2014. Large designated public organizations have until January 1, 2015 to do so, while large organizations and small designated public organizations have until January 1, 2016. The deadline for small organizations is January 1, 2017.⁵⁴

However, if an organization prepares emergency procedures, plans or public safety information and makes that information available to the public, that organization (whether large or small) must by January 1, 2012 provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.⁵⁵

The IC Standards provide that by January 1, 2012 new internet and intranet websites for the Government of Ontario and web content on those sites must conform to WCAG 2.0 Level AA other than success criteria 1.2.4 Captions (Live) and success criteria 1.2.5 Audio descriptions (pre-recorded). New internet websites for designated public sector organizations and for large organizations and web content on those sites must conform to WCAG 2.0 Level A by January 1,

⁵¹ Integrated Accessibility Standard, *supra* note 7, s. 10.

⁵² The Guide to Accessibility Standards, *supra* note 36, at page 42.

⁵³ *Ibid* at page 42.

⁵⁴ Integrated Accessibility Standard, *supra* note 7, s. 12.

⁵⁵ *Ibid*, s. 13.

2014 and all internet websites of these organizations and web content must conform to WCAG 2.0 Level AA by January 1, 2021.⁵⁶

The purpose of the website requirements is to make websites accessible to people with disabilities by having the websites conform to international standards. WCAG is a short form reference to Web Content Accessibility Guidelines and was developed by a team of experts from around the world. The first version was released in 1999 and WCAG 2.0 was released in 2008.⁵⁷

The IC Standards also contain specific provisions for educational or training institutions. In addition, to designated public sector organizations and organizations governed by the *Education Act*, the *Private Career Colleges Act 2005*, the *Post-secondary Education Choice and Excellence Act, 2000*, it includes private schools within the meaning of the *Education Act* and private organizations that provide courses or programs that result in the acquisition by students of a diploma or certificate. Designated large public sector organizations and large organizations, by January 1, 2013 and designated small public sector organizations and small organizations, by January 1, 2015 will be required on receiving notification of need to provide the following;

- (a) Educational or training resources or materials in an accessible format that takes into account the accessibility needs of the person with a disability; and
- (b) Student records and information on program requirements, availability and descriptions in an accessible format to persons with disabilities.⁵⁸

Educational and training institutions are required to work with the student to determine which type of format will be provided rather than unilaterally determining what format to provide.

School boards and educational and training institutions must also provide educators with accessibility awareness training related to accessible program or course delivery and must keep

⁵⁶ *Ibid*, s. 14.

⁵⁷ The Guide to Accessibility Standards, *supra* note 36, at pages 51-52.

⁵⁸ Integrated Accessibility Standard, *supra* note 7, s. 15.

records of the training, which includes the dates that training took place and the number of individuals who attended. Educators refers to any employee who is involved in designing, delivering or instructing courses, but does not include parents who volunteer or students working in job placements.⁵⁹

The IC Standards also require that by January 1, 2015, a producer of educational or training textbooks and other print based supplementary learning resources for educational or training institutions shall, upon request, make accessible or conversion ready versions of the textbooks, and that by January 1, 2020, a producer of print-based educational or training supplementary learning resources for educational or training institutions shall, upon request, make accessible or conversion ready versions of the printed materials.⁶⁰

While ideally, institutions will be able to provide accessible or conversion ready versions of the same materials used in classrooms, it may not always be possible. In such a case, the institution should provide students with similar materials that to the degree possible allow for a comparable learning opportunity. For example, converting a medical textbook to an accessible format would pose no problem for the text, but there may be difficulty converting the medical images. It may be sufficient to provide a summary or description of them.⁶¹

(c) Transportation Standards

The transportation standards within the Integrated Accessibility Standards (the “Transportation Standards”) reference many different forms of public transportation including: public transit, transit buses, school buses, motor coaches, street cars, subways, light rail, commuter rail, taxicabs and tour bus services.⁶² The bulk of this standard relates to designated public sector transportation organizations and were created to eliminate the physical barriers to public

⁵⁹ The Guide to Accessibility Standards, *supra* note 36, at page 61.

⁶⁰ Integrated Accessibility Standard, *supra* note 7, s.17.

⁶¹ The Guide to Accessibility Standards, *supra* note 36, at pages 57-58.

⁶² Integrated Accessibility Standard, *supra* note 7, s. 33.

transportation and to improve specialized transportation systems so people with disabilities have access to the same fares and services as conventional transit.⁶³

The Transportation Standards refer to “Conventional Transportation Service Providers” and “Specialized Transportation Service Providers”. They are designated in paragraph 5 of Schedule 1 of the Integrated Accessibility Standards. Conventional Transportation Service Providers are every public transportation organization (including municipalities) that operates only in Ontario. Specialized Transportation Service Providers refers to public passenger transportation services that are designed to transport people with disabilities that operate only in Ontario.⁶⁴

There are a considerable number of standards relating to Conventional Transportation Service Providers and Specialized Transportation Service Providers (collectively “Transportation Service Providers”), a few of which are as follows:

- (a) By January 1, 2012, Transportation Service Providers were required to make available to the public current information on accessibility equipment and features on their vehicles, routes and services;⁶⁵
- (b) By January 1, 2012, Transportation Service Providers were required to establish emergency preparedness and response policies that will provide for the safety of persons with disabilities and must make those policies available to the public. Further when requested these policies must be provided in an accessible format;⁶⁶
- (c) By January 1, 2013, Conventional Transportation Service Providers were required to identify in their accessibility plans their processes for managing, evaluating and taking action on customer feedback they receive about their services for people with disabilities;⁶⁷

⁶³ *Ibid.*, ss. 33-79.

⁶⁴ The Guide to Accessibility Standards, *supra* note 36, at pages 107-110.

⁶⁵ *Ibid.*, at page 112

⁶⁶ *Ibid.*, at pages 118-119.

⁶⁷ *Ibid.*, at pages 126-127.

- (d) By January 1, 2013, Specialized Transportation Service Providers were required to identify in their accessibility plans how they will estimate the demand for specialized transportation and what steps they will take to reduce the waiting times for their services;⁶⁸
- (e) By January 1, 2013, Transportation Service Providers were required to explain in their accessibility plans what they will do when the accessibility equipment on their vehicles fails, so that people with disabilities will know what to expect when the accessibility equipment does not work;⁶⁹
- (f) Every Conventional Transportation Service Provider shall ensure that all of its transportation vehicles manufactured after January 1, 2013 is equipped with the lifting devices, ramps or portable bridge plates to help people with disabilities board and deboard the vehicles. However, if a Conventional Transportation Service Provider enters into a contract to purchase a vehicle on or after July 1, 2011, then that vehicle must meet the technical requirements of the regulation. This will apply to transit buses, motor coaches, streetcars, subways, light rail, commuter rail and inter-city rail.⁷⁰
- (g) By January 1, 2014, Transportation Service Providers shall conduct employee and volunteer accessibility training which shall include:
 - i. The safe use of accessibility equipment and features;
 - ii. Acceptable modifications to procedures when temporary barriers exist or accessibility equipment on a vehicle fails; and
 - iii. Emergency preparedness and response procedures that provide for the safety of persons with disabilities;⁷¹

⁶⁸ *Ibid.*, at page 129.

⁶⁹ *Ibid.*, at page 131.

⁷⁰ *Ibid.*, at pages 185-191.

⁷¹ *Ibid.*, at page 115.

- (h) By January 1, 2014, no Transportation Service Providers shall charge a fare to a support person who is accompanying a person with a disability where the person with the disability has a need for a support person; and⁷²
- (i) By January 1, 2017, where conventional transportation services and specialized transportation services are provided by separate transportation service providers in the same jurisdiction, the specialized transportation service provider shall not charge more than the highest fare charged for conventional transportation services in the same jurisdiction.⁷³

The Transportation Standards require that by January 1, 2011, every school board that provides transportation for its students was to provide integrated accessible school transportation services or accessible alternative transportation to students with disabilities. By January 1, 2014, school boards are required to consult with parents or guardians of students with disabilities to identify students with disabilities and to develop individual transportation plans for each student with a disability that details the assistance needs for each student and includes plans for individual boarding, securement and deboarding.⁷⁴

Designated public sector organizations that are not primarily in the business of transportation but that provide transportation services, such as hospitals, colleges and universities, shall provide accessible vehicles or equivalent services upon request. For example if a hospital shuttle bus cannot be retrofitted to be accessible to people with disabilities it must provide an equivalent method of transportation, such as a taxi.⁷⁵

There are specific provisions with respect to taxicabs. By July 1, 2011, municipalities were required to ensure that owners and operators of taxicabs are prohibited from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip and from charging a fee for the storage of mobility assistive devices. In addition, by

⁷²*Ibid*, at page 120.

⁷³ *Ibid*, at page 210.

⁷⁴ *Ibid*, at pages 232-235.

⁷⁵ *Ibid*, at pages 238-240.

January 1, 2013, municipalities will be required to determine the proportion of on-demand accessible taxicabs required in the community and identify progress made toward meeting this need and the steps that will be taken to meet this need.

(d) Built Environment Standards

The initial proposed Built Environment Standards (the “BE Standards”) will apply to all private and public sector buildings, site developments, public ways and public parks, trails and playgrounds. The BE Standards were created to make buildings, structures and premises accessible for people with disabilities. These standards are expected to add to the requirements set out in Ontario’s *Building Code Act*⁷⁶ and may include consideration of aisle and door width, parking, signs, etc. Different restrictions and timelines apply to new construction (12 months), renovation to existing buildings (12 to 36 months) and buildings built before the standards became law (5 to 13 years).⁷⁷

However, the BE Standards have not yet been adopted as a Regulation to the Act.

4. ENFORCEMENT

Companies should be aware of the various administrative and financial penalties that may be imposed on an organization for non-compliance with the Act. The Act provides for enforcement through inspection, compliance orders, administrative penalties and tribunal oversight.

(a) Inspections

Organizations may be subject to inspections to confirm compliance with the Act. Inspections, without a warrant can take place at any time during regular business or daylight hours. Inspectors have the authority to require the production of any document or record relevant to the inspection, remove any document or record relevant to the inspection, question any person in the place on matters relevant to the inspection and may use any data storage, processing or retrieval

⁷⁶ R.S.O. 1992, c. 23.

⁷⁷ “Initial Proposed, Accessible Built Environment Standard”, (June 2009) online: <<https://ozone.scholarsportal.info/bitstream/1873/14763/1/294156.pdf>>. Please note that this is the initial proposed standard that was submitted for public review. This document is subject to change and may not reflect the final proposed standard.

device used in carrying on the business in order to produce a document in readable form. In addition the inspector may be accompanied by a person who has expert or professional knowledge and who may be of assistance in carrying out the inspection.⁷⁸

Under section 20 of the Act a search warrant may be obtained, the inspector may call upon police officers for assistance in executing the warrant and the inspector may use whatever force is reasonably necessary to execute the warrant.

The Act also prohibits a person from obstructing an inspector, refusing to answer questions relevant to the inspection, providing information to the inspector that the person knows is false or misleading or withholding from the inspector any information that is relevant to the inspection.⁷⁹

(b) Director's Orders and Administrative Penalties

Pursuant to section 14 of the Act, businesses that are subject to a Standard must file an accessibility report with the director appointed under the Act on an annual basis. A reporting form is available on the Ministry's website online.⁸⁰ In the case of the Customer Service Standard, Providers with 20 or more employees will be required to complete this form and attach the required documents outlined in the standard.

If the director concludes that an organization has failed to file an accessibility report or provide the Director with requested information or has contravened a provision of an Accessibility Standard, an order may be issued directing the organization to provide more information or to file the reports that the Act requires or to comply with a Standard. In addition, the director may issue an order requiring payment of an administrative penalty. The organization may then make written submissions with respect to the order within 30 days or the time specified in the order.

If an order is made and the organization fails to obey, the director may file the order with the local Registrar of the Superior Court of Justice to pursue compliance.

⁷⁸ The Act, *supra* note 3, s. 19.

⁷⁹ The Act, *supra* note 3, s. 20.

⁸⁰Please find compliance reporting requirements here: online:
<http://www.mcass.gov.on.ca/en/mcass/programs/accessibility/ComplyingStandards/customerService/instructions_filing.aspx>.

The Integrated Accessibility Standards sets out rules for calculating the amount of the administrative penalty that applies to both the Integrated Accessibility Standards and the Customer Service Standard. However the maximum administrative penalty that can be imposed is \$100,000 in the case of a corporation and \$50,000 in the case of an individual or an unincorporated organization.⁸¹

(c) Offences and Financial Penalties

Under section 37 of the Act it is an offence to:

- (a) obstruct an inspector carrying out an inspection;
- (b) refuse to answer questions or provide information on matters relevant to an inspection;
- (c) withhold information relevant to an inspection;
- (d) furnish false information in an accessibility report;
- (e) fail to comply with an order made by a director; or
- (f) penalize or discriminate against any person who has sought or is seeking enforcement of the Act or a director's order or who has co-operated with an inspector or provided information in the course of an inspection.

If a corporation is found guilty of an offence, it may be subject to a fine of \$100,000 for every day or part day that the offence occurs. For individuals, the fine is not more than \$50,000 for every day or part day that the offence occurs.

All directors and officers of a corporation must take reasonable care to prevent the corporation from committing an offence under the Act. Failure to do so is an offence and on conviction, can

⁸¹ Integrated Accessibility Standard, *supra* note 7, s. 83.

be punishable by a fine of up to \$50,000 for each day or part day that the offence occurs.⁸²

5. CONCLUSION

It should be understood that compliance with the Act and accessibility more generally is an ongoing process. The Act requires that within five years after an accessibility standard is adopted by regulation, the standard must be reviewed to determine whether any of the standards require revision. Therefore, organizations must ensure that their policies and procedures are reviewed to ensure compliance with the Act and any new Standards or modifications to Standards that are implemented.⁸³

The policy development, extensive training, additional required communication and technology required to comply with the Customer Service Standard and the Integrated Accessibility Standards, together with the time deadlines to comply, will result in significant cost and administrative consequences over the next few years to businesses who provide goods and services to individuals with disabilities in Ontario or who employ individuals with disabilities in Ontario. Due to the potential financial penalties and other consequences to corporations and individuals that the Act provides, non-compliance will not be a viable option for most organizations.

While the Act and the Standards require changes to the way organizations conduct business in Ontario, and the Act will result in increased costs there is a bright side to the implementation of this statute. As Ontario's population ages and the proportion of people with disabilities increase, businesses who promote accessibility may find themselves at a competitive advantage with disabled individuals. In addition, successfully implementing the Employment Standards will provide access to an employment talent pool that has not yet been successfully tapped. Finally, of course, it will assist the laudable social goal of eliminate barriers to accessibility for disabled persons.

⁸² The Act, *supra*, note 3, s. 37.

⁸³ The Act, *supra*, note 3, s. 9(9).)

COMPLIANCE SCHEDULE**THE GOVERNMENT OF ONTARIO****January 1, 2010**

The Customer Service Standard is in force.

January 1, 2012

Develop, implement and maintain written policies governing how it achieves or will achieve accessibility under the Integrated Accessibility Standards and further is required to post the accessibility plan on its website and provide the plan in an accessible format upon request.

Establish, implement, maintain and document a multi-year accessibility plan which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the Integrated Accessibility Standards.

If the Government prepares emergency procedures, plans or public safety information and makes that information available to the public, it must provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.

New internet and intranet websites and web content on those sites must conform to WCAG 2.0 Level AA other than success criteria 1.2.4 Captions (Live) and success criteria 1.2.5 Audio descriptions (pre-recorded).

January 1, 2013

The Employment Standards are in force.

Ensure that training is provided on the requirements of the accessibility standards that are referred to in the Integrated Accessibility Standards and on the *Human Rights Code*.

Notify the public about the availability of accessible formats and communication supports.

January 1, 2014

Upon request, provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. Further, it is required to consult with the person making the request in determining the suitability of an accessible format or communication support.

January 1, 2016

All internet and intranet websites and web content on those sites must conform to WCAG 2.0 Level AA, other than success criteria 1.2.4 Captions (Live) and success criteria 1.2.5 Audio descriptions (pre-recorded).

January 1, 2020

All internet and intranet websites and web content on those sites must conform to WCAG 2.0 Level AA.

LARGE DESIGNATED PUBLIC SECTOR ORGANIZATIONS**January 1, 2010**

The Customer Service Standard is in force for designated public sector organizations.

January 1, 2012

If a large designated public sector organization prepares emergency procedures, plans or public safety information and makes that information available to the public it must provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.

Transportation service providers were required to make available to the public current information on accessibility equipment and features on their vehicles, routes and services.

Transportation service providers were required to establish emergency preparedness and response policies that will provide for the safety of persons with disabilities and must make those policies available to the public.

January 1, 2013

Develop, implement and maintain written policies governing how the organization achieves or will achieve accessibility under the Integrated Accessibility Standards. Further, they are required to post the accessibility plan on their website, if they have one, and provide the plan in an accessible format upon request.

Establish, implement, maintain and document a multi-year accessibility plan which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the Integrated Accessibility Standards.

Educational or training institutions that are large designated public sector organizations shall provide educational or training resources or materials and student records and information in an accessible format. In addition, they shall provide educators with accessibility awareness training related to accessible program or course delivery.

The Transportation Standards require transportation service providers to add specific items to their accessibility plans.

Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured after January 1, 2013 is equipped with lifting devices, ramps or portable bridge plates.

The Transportation Standards requires municipalities to determine the proportion of on-demand accessible taxicabs required in the community and identify progress made toward meeting this need and the steps that will be taken to meet this need.

January 1, 2014

The Employment Standards are in force.

Notify the public about the availability of accessible formats and communication supports.

Ensure that training is provided on the requirements of the accessibility standards that are referred to in the Integrated Accessibility Standards and on the *Human Rights Code*.

New internet websites and web content on those sites must conform to WCAG 2.0 Level A.

Transportation service providers shall conduct employee and volunteer accessibility training.

No transportation service providers shall charge a fare to a support person who is accompanying a person with a disability where the person with the disability has a need for a support person.

School boards are required to consult with parents or guardians of students with disabilities to identify students with disabilities and to develop individual transportation plans for each student with a disability that details the assistance needs for each student and includes plans for individual boarding, securement and deboarding.

January 1, 2015

Upon request provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. Further they are required to consult with the person making the request in determining the suitability of an accessible format or communication support.

January 1, 2017

A specialized transportation service provider shall not charge more than the highest fare charged for conventional transportation services in the same jurisdiction.

January 1, 2021

All internet websites and web content must conform to WCAG 2.0 Level AA.

LARGE ORGANIZATIONS

January 1, 2012

The Customer Service Standard is in force for all businesses that provide goods and services to the public or other third parties (other businesses or organizations) and have at least one employee in Ontario.

Business with more than 20 employees are required to prepare written documents describing their policies and practices governing the provision of its goods and services to people with disabilities and to ensure that the public is aware that these documents are available upon request.

The Employment Standards require every employer in Ontario to proactively prepare for emergencies by providing employees with disabilities with individualized workplace emergency response information.

If a large organization prepares emergency procedures, plans or public safety information and makes that information available to the public it must provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.

January 1, 2013

Educational or training institutions that are large organizations shall provide educational or training resources or materials and student records and information in an accessible format. In addition they shall provide educators with accessibility awareness training related to accessible program or course delivery.

January 1, 2014

Develop, implement and maintain written policies governing how the organization achieves or will achieve accessibility under the Integrated Accessibility Standards. Further they are required to post the accessibility plan on their website, if they have one and provide the plan in an accessible format upon request.

Establish, implement and maintain and document a multi-year accessibility plan which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the Integrated Accessibility Standards.

New internet websites for large organizations and web content on those sites must conform to WCAG 2.0 Level A.

January 1, 2015

Notify the public about the availability of accessible formats and communication supports.

Ensure that training is provided on the requirements of the accessibility standards that are referred to in the Integrated Accessibility Standards and on the *Human Rights Code*.

A producer of educational or training textbooks for educational or training institutions shall upon request make accessible or conversion ready versions of the textbooks.

January 1, 2016

The Employment Standards are in force.

Upon request provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. Further they are required to consult with the person making the request in determining the suitability of an accessible format or communication support.

January 1, 2020

A producer of print-based educational or training supplementary learning resources for educational or training institutions shall upon request make accessible or conversion ready versions of the printed materials.

January 1, 2021

All internet websites and web content must conform to WCAG 2.0 Level AA.

SMALL DESIGNATED PUBLIC SECTOR ORGANIZATIONS**January 1, 2010**

The Customer Service Standard is in force for designated public sector organizations.

January 1, 2012

If a small designated public organization prepares emergency procedures, plans or public safety information and makes that information available to the public it must provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.

January 1, 2014

Develop, implement and maintain written policies governing how the organization achieves or will achieve accessibility under the Integrated Accessibility Standards. Further they are required to post the accessibility plan on their website, if they have one and provide the plan in an accessible format upon request.

Establish, implement and maintain and document a multi-year accessibility plan which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the Integrated Accessibility Standards.

January 1, 2015

The Employment Standards are in force.

Notify the public about the availability of accessible formats and communication supports.

Ensure that training is provided on the requirements of the accessibility standards that are referred to in the Integrated Accessibility Standards and on the *Human Rights Code*.

Educational or training institutions that are small designated public sector organizations shall provide educational or training resources or materials and student records and information in an accessible format. In addition they shall provide educators with accessibility awareness training related to accessible program or course delivery.

January 1, 2016

Upon request provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. Further they are required to consult with the person making the request in determining the suitability of an accessible format or communication support.

SMALL ORGANIZATIONS**January 1, 2012**

The Customer Service Standard is in force for all businesses that provide goods and services to the public or other third parties (other businesses or organizations) and have at least one employee in Ontario.

Business with more than 20 employees are required to prepare written documents describing their policies and practices governing the provision of its goods and services to people with disabilities and to ensure that the public is aware that these documents are available upon request.

The Employment Standards require every employer in Ontario to proactively prepare for emergencies by providing employees with disabilities with individualized workplace emergency response information.

If a small organization prepares emergency procedures, plans or public safety information and makes that information available to the public, it must provide the information in an accessible format or with appropriate communication supports as soon as possible upon request.

January 1, 2015

Develop, implement and maintain policies governing how the organization achieves or will achieve accessibility under the Integrated Accessibility Standards.

Educational or training institutions that are small organizations shall provide educational or training resources or materials and student records and information in an accessible format. In addition, they shall provide educators with accessibility awareness training related to accessible program or course delivery.

A producer of educational or training textbooks for educational or training institutions shall upon request make accessible or conversion ready versions of the textbooks.

January 1, 2016

Notify the public about the availability of accessible formats and communication supports.

Ensure that training is provided on the requirements of the accessibility standards that are referred to in the Integrated Accessibility Standards and on the *Human Rights Code*.

January 1, 2017

The Employment Standards are in force.

Upon request, provide accessible formats and communication supports for persons with disabilities at a cost that is no more than the regular cost charged to other persons. Further, they

are required to consult with the person making the request in determining the suitability of an accessible format or communication support.

January 1, 2020

A producer of print-based educational or training supplementary learning resources for educational or training institutions shall upon request make accessible or conversion ready versions of the printed materials.