

AODA compliance: The next phase

Time to plan for complex Integrated Accessibility Standards Regulation

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The Ontario government's Accessibility for Ontarians with Disabilities Act (AODA) introduces incremental changes to disability inclusion and most businesses in Ontario have been implementing an accessible customer service policy and training staff according to the first AODA regulation.

Employers should be planning to meet the next requirements under the more complex Integrated Accessibility Standards Regulation where there are requirements to provide disability-inclusive information and communication, employment and transportation.

Employers can ease the transition by including these steps in business planning:

- Address emergency preparedness.
- Assign accountability for ongoing accessibility — an effective approach includes forming a cross-departmental committee with one person taking the lead.
- Audit print, electronic material.
- Plan proactively — if a website is being rebuilt next year, incorporate requirements in the procurement process to avoid rebuilding later.
- Train HR, marketing and IT so they are prepared — educate them on employment, web and document accessibility, developing employee accommodation plans and creating accessible PDF documents.
- Budget for accessibility.

The first deadline — Jan. 1, 2012 — has already passed and relates to emergency information, and additional deadlines follow each year. Organizations providing transportation, library and educational services, and kiosks to access their services must meet additional requirements not explored here.

Emergency information

Emergency situations are more dangerous for people with disabilities, especially for people who use mobility devices, such as wheelchairs or walkers, and rely on elevators to exit high-rise buildings. Dangers

exist for people with sensory or cognitive disabilities if they are unaware of the emergency or unable to determine the source or extent of the hazard.

In recognition of this, the Integrated Accessibility Standards Regulation states that by Jan. 1, 2012:

- emergency procedures and plans must be available in accessible formats upon request
- organizations must provide an individualized workplace emergency response plan to employees with a disability.

Employees are not required to disclose a disability. Organizations must ask workers to inform them if the generic emergency response plan does not meet their needs. The new hire and return-to-work processes will include a question about whether the standard response plan meets individual needs.

Accessibility policies and plans

By law, organizations must develop, implement and maintain policies governing how accessibility requirements will be achieved under AODA. Organizations with 50 or more employees must establish, implement, maintain and document a multi-year accessibility plan outlining the organization's strategy to meet the integrated regulation requirements. The plan must be posted on their website, provided in an accessible format upon request and reviewed once every five years.

Employee training

Organizations must train employees on the requirements of the regulation and Human Rights Code as it pertains to persons with disabilities and accessibility policies. All persons who participate in developing policies and anyone who provides goods or services on behalf of the organization must also be trained.

Accessible website

The World Wide Web Consortium has developed *Web Content Accessibility Guidelines* (WCAG). Web content includes information on a web page or application,

including text, images, forms and downloadable files. Content that does not follow WCAG may not be accessible to people who have hearing loss or use screen readers, magnifiers or keyboards to navigate. WCAG defines levels of accessibility from A to AAA.

Accessible formats and communication supports

Accessible formats and communication support includes large print, accessible electronic formats, captioned audio tracks, sign language interpreters, braille and exchanging written notes or reading aloud. The key is the format meets the needs of the person with a disability and this is confirmed through consultation. Accessible formats and communications support must be provided or arranged for in a timely manner at no additional cost to the person (employee, customer or third party).

Accessible feedback process

Every organization that has processes for receiving and responding to feedback must ensure they are accessible to persons with disabilities by providing accessible formats and communications supports.

Employment equity

Employment standards require employers to provide equal opportunity throughout the employment life cycle and apply to paid employee positions only. They address recruitment, employee accommodation, employees returning to work, performance management, career development and re-deployment.

Employers must ensure the recruitment process is accessible to people with disabilities. This includes consulting with applicants to provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability. It also includes providing information in an accessible format and providing communication supports.

Upon request, employers must consult

with employees to provide or arrange for the provision of accessible formats and communication 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.

Organizations with 50 or more employees must develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities. The process for the development of these plans is specific and must include elements such as the manner in which the employee can participate in the development of the plan.

Employers with 50 or more workers must have a return-to-work process for those who have been absent from work due to a disability and require disability-related

accommodations in order to return to work.

Organizations must take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when:

- using a performance management process
- providing career development and advancement opportunities
- redeploying employees with disabilities.

Compliance reporting

All organizations, except private and not-for-profit organizations with fewer than 50 employees, are required to report compliance to the government.

Built Environment Standard

The Built Environment Standard is not yet law. It will apply to all new construction and renovation and most requirements

will be integrated with the Ontario Building Code. This standard will not apply to private homes and, as of yet, no specific information exists about when the Built Environment Standard will become law. In the interim, the Ontario Human Rights Code still requires a duty to accommodate employees and customers for whom current built environments are inaccessible.

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