

# The Accessibility for Ontarians with Disabilities Act:

## Reporting Requirements for 2012 And What's Coming Next

By Catherine Longo



# Accessibility Standards

- Customer Service
- Employment
- Information and Communications
- Transportation
- Built Environment

# Legislation

- **The Act**

- *Accessibility for Ontarians With Disabilities Act, 2005, SO 2005, c 11*

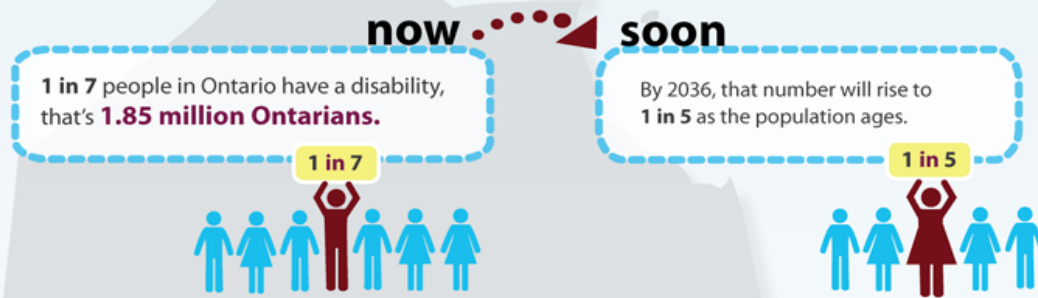
- **The Regulations**

- *Accessibility Standards for Customer Service, Ontario Regulation 429/07*
  - *Exemption from Reporting Requirements, Ontario Regulation 430/07 (if fewer than 20 employees)*
- *Integrated Accessibility Standards, Ontario Regulation 191/11*

# Why Accessibility is good for Ontario

**ac'ces'si'bil'i'ty** [ak-ses-uh-bihleete] noun

Accessibility simply means giving people of all abilities opportunities to participate fully in everyday life.



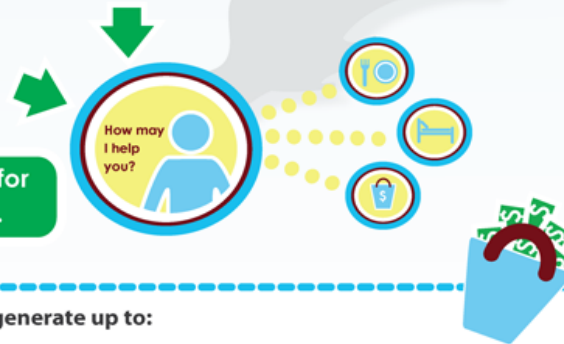
Customers with disabilities are a growing market no business can afford to overlook.



In the next 20 years, an aging population and people with disabilities will represent **40% of total income in Ontario** — that's **\$536 Billion**.

A more accessible Ontario is good for our economy and our communities.

**360,000** Ontario businesses and organizations affected by Ontario's accessibility law. It helps them meet the needs of people with disabilities and **attract their growing spending power.**



Improved accessibility in Ontario can help generate up to:

**\$9.6 Billion** in new retail spending & **\$1.6 Billion** in new tourism spending

To learn more about how we are making Ontario more accessible, visit: [ontario.ca/AccessON](http://ontario.ca/AccessON)



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youtube.com/accessontario

Data credits:

- Ontario Ministry of Community and Social Services
- Ontario Population Projections 2008-2036, Fall 2009 Ministry of Finance Report
- Participation and Activity Limitation Survey 2006, Statistics Canada
- Martin Prosperity Institute, Releasing Constraints: Projecting the Economic Impacts of Improved Accessibility in Ontario, June 2010

Blaney  
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# Some Types of Disability

- Vision
- Hearing
- Physical
- Intellectual
- Developmental
- Learning
- Speech or Language
- Deaf-Blind

# Accessibility Standards for Customer Service

- All businesses must offer accessible service by January 1, 2012
- Businesses with 20 or more employees must complete an online report on compliance by December 31, 2012

# Accessible Customer Service Requirements

- 1) Develop policies
- 2) Focus on principles of independence, dignity, integration and equality of opportunity
- 3) Allow assistive devices
- 4) Communicate by taking disability into account - ask how can I help?
- 5) Allow guide dogs and service animals
- 6) Welcome support persons
- 7) Post information about fees for support persons
- 8) Let people know when accessible services aren't available
- 9) Train your managers, staff, volunteers and contractors
- 10) Invite customers to provide feedback
  
- 20 or more employees:
- 11) Online reporting
- 12) Put policies and procedures in writing
- 13) Notify customers of the availability of a written policy
- 14) Provide the policy in an accessible format

# Integrated Accessibility Standards

- Information and Communications
- Employment
- Transportation



# Accessible Emergency Procedures

- Information and Communications: provide emergency procedures and public safety information in an accessible format, upon request, as of **January 1, 2012**
- Employment: provide *individualized* workplace emergency response information to employees with disabilities, as of **January 1, 2012**

# Accessible Online Content

- Organizations must make their websites and web content accessible in accordance with the World Wide Web Consortium's **Web Content Accessibility Guidelines (WCAG) 2.0**.
- Example: captioned video content for people with hearing loss.
- Compliance:
  - Small Organization: N/A
  - Large Organization: **January 1, 2014** (new content) and **January 1, 2021** (all content)

# Accessible Employment Standards

- Recruitment, assessment and selection
- Accessible formats and communication supports for employees
- Workplace emergency response information
- Documented individual accommodation plans
- Return to work process
- Performance management
- Career development and advancement
- Redeployment
  
- Compliance:
  - Small Organization: **January 1, 2017** (some requirements do not apply)
  - Large Organization: **January 1, 2016**

# Compliance Dates

	Accessible Online Content	Accessible Employment Standards
<u>Small Organization</u>  At least one but fewer than 50 employees in Ontario.	Small Organizations do not have obligations under this requirement.	January 1, 2017
<u>Large Organization</u>  50 or more employees in Ontario	January 1, 2014  New internet websites and web content on those sites	January 1, 2016
	January 1, 2021  All internet websites and web content	

# Draft Accessibility Standards for the Built Environment

The Accessibility Standards will apply to:

- 1) Recreational trails/beach access routes
- 2) Outdoor public-use eating areas
- 3) Outdoor play spaces
- 4) Exterior paths of travel
- 5) Accessible parking
- 6) Service-related elements like service counters
- 7) Ensure accessibility-related equipment and features are maintained during Maintenance

# Compliance

- How is compliance monitored?
- What happens if you are not in compliance?
- *Accessibility for Ontarians with Disabilities Act, 2005*
  - s.21(4) If a director concludes that a person or organization has contravened an accessibility standard, the director may, by order, require the person or organization to do either or both of the following:
    - 1. Comply with the accessibility standard within the time specified in the order.
    - 2. Pay an administrative penalty.

# Administrative Penalties

## Individuals or Unincorporated Organizations

Impact of Contravention:		Major	Moderate	Minor
Contravention	Major	\$2,000	\$1,000	\$500
History:	Moderate	\$1,000	\$500	\$250
	Minor	\$500	\$250	\$200

## Corporations

Impact of Contravention:		Major	Moderate	Minor
Contravention	Major	\$15,000	\$10,000	\$5,000
History:	Moderate	\$10,000	\$5,000	\$2,500
	Minor	\$2,000	\$1,000	\$500

In cases where the impact of the contravention and the contravention history are both determined to be major, the above amounts may be treated as a daily penalty to a maximum of,

- i. \$100,000, in the case of a corporation, and
- ii. \$50,000, in the case of an individual or unincorporated organization.

# Questions?

- Catherine Longo
  - CLongo@blaney.com
  - 416-593-2998
- Resource:
  - Ontario Ministry of Community and Social Services  
[www.ontario.ca/AccessON](http://www.ontario.ca/AccessON)