

AODA COMPLIANCE DEADLINES

by Ian McArdle, Senior Consultant

Introduction

By January 1st, 2010, designated public-sector organizations must comply with the Customer Service Standard under the Accessibility For Ontarians With A Disability Act (AODA). Does this apply to you? If so, will you be ready?

In 2005, the Ontario government passed the Accessibility for Ontarians with Disabilities Act (AODA) with the clear objective of full “accessibility” for Ontarians with disabilities by 2025. To achieve this goal, the government is developing accessibility standards that a wide variety of organizations will have to meet.

Although full compliance by the year 2025 seems a long way off, Regulation 429/07 — which was promulgated on January 1, 2008, and establishes accessibility standards for customer service — comes into full force and effect on January 1, 2010, for the public sector and on January 1, 2012, for the private and not-for-profit sectors. Thus virtually every organization, both public and private, will have to comply with this new legislation. It is the government’s intention that by meeting these standards, our society as a whole will eventually eliminate the barriers to access facing those citizens who have disabilities.

Who Must Comply by the January 1, 2010, Deadline?

The legislation identifies three classes of organization and has different deadlines and compliance regulations for each.

- Class 1: Private-sector organizations and non-profit organizations with 1 to 19 employees are required to comply by 2012.
- Class 2: Private-sector organizations and non-profit organizations with 20 or more employees also have to comply and file reports by 2012.

In this case, ‘non-profit’ includes all non-profit homes as well as for-profit homes, except for those managed by a municipality or a hospital. The difference between Class 1 and Class 2 lies in what they are required to comply with.

It is Class 3 that must comply by January 1, 2010, and report by March 31, 2010. For Class 3, ‘public sector’ is *specifically* defined to include the following:

- Provincial and municipal governments
- Legislative Assembly
- Municipalities
- Universities
- Colleges
- Hospitals
- School Boards
- Public transit organizations

For the purposes of the AODA, that means that, if your organization is an integral part of a municipality or a hospital, it belongs to Class 3 and faces a compliance deadline of January 1, 2010 — less than one month away!

For more information, you can view the Schedules to the Regulation at www.AccessON.ca.

What Must Be Accomplished by the Compliance Deadline?

1. Review all policies, procedures, and practices

Employers must have reviewed — and amended, if necessary — all policies, procedures, and practices with respect to services to the public, by themselves or their agents, to ensure that they are consistent with the core principles of independence, dignity, integration, and equality of opportunity. As these policies must be made available upon request, a notice confirming their availability must be conspicuously posted physically and, where appropriate, electronically in a manner that takes into account a person's disability.

2. Permit support persons and service animals

Employers must be prepared to permit the use of service animals or support persons, or provide alternatives where the use of service animals is prohibited by law.

3. Provide clear notice of disruptions

Employers must be ready to provide clear notice when temporary or planned disruptions occur to services or facilities usually used by persons with disabilities.

4. Provide training to staff and volunteers

Employers must have provided training on disabilities to all employees, agents, and volunteers who act on their behalf. They must also have provided such training to all persons who participate in the development of policies, practices, and procedures. In addition, they must have a process that provides for customer or client feedback and response to that feedback.

Rising Expectations, Rising Need

Beyond the need to meet these compliance requirements, it is anticipated that the expectations of customers and clients with disabilities will rise as the awareness of this new legislation grows. Depending on the organization, this segment of the population could represent a significant percentage of its customer and client base.

Many organizations already face barrier issues related to customers or clients with disabilities and require more structured approaches to eliminate those barriers. In 2006, Statistics Canada data indicated that people with disabilities already constituted over 14% of the general population; this is expected to increase significantly as the population ages.

What Other Regulations and Standards Are Planned?

Under the AODA mandate, five areas will ultimately be covered by regulations. At this time, the only regulation that has been proclaimed deals with Customer Service (Regulation 429/07). The others, which are in various stages of development, will cover Transportation, Information and Communications, Employment, and the Built Environment. Compliance deadlines for these have not yet been announced.

How We Can Help

At Pesce & Associates, we understand the importance of the Customer Service Standard to a significant, and growing, portion of our population. We also understand the challenges some employers will face in complying with that Standard and we are here to provide that critical assistance.

If you would like further information on compliance with the AODA Customer Service Standard, or assistance in meeting your obligations under this Act and its new Regulations, please call Ian McArdle, Senior Consultant, at 416-491-1501, ext. 25.

Ian McArdle is a Senior Consultant with Pesce & Associates, a full-service human resources consulting group. Visit www.pesceassociates.com.