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# mcmillan employment bulletin

## preparing for "round 2" of the AODA: the integrated accessibility standards

Ontario private sector employers take note: you may have just successfully complied with the Customer Service Standard requirements, but now you face the first of several new deadlines for compliance under the Integrated Accessibility Standards Regulation ("IAS Regulation"),<sup>1</sup> pursuant to the Accessibility for Ontarians with Disabilities Act, 2005.<sup>2</sup>

With few exceptions, the IAS Regulation applies to private sector and not-for-profit organizations that provide goods, services or facilities to the public or a third party business or organization that has at least one employee in Ontario. In addition, when an organization contracts with a third party to provide goods, services or facilities on its behalf, the organization must ensure that the third party also complies with the IAS Regulation.

### overview of near-term obligations

**1. policies.** Pursuant to the IAS Regulation, by January 1, 2014 all private sector employers with 50 or more employees in Ontario ("Large Providers") must first develop, implement and maintain policies governing how the organization achieves or will achieve

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<sup>1</sup> O Reg 191/11.

<sup>2</sup> SO 2005, c 11.

accessibility through meeting its requirements under the IAS Regulation. Private sector employers with between one and 49 employees in Ontario ("Small Providers") will have until January 1, 2015 to do the same.

**2. statement of organizational commitment.** By January 1, 2014, Large Providers must also: develop and include in their accessibility policies a "statement of organizational commitment" to meet the accessibility needs of persons with disabilities in a timely manner; prepare one or more documents describing their policies; make their documents publicly available ; and provide their documents in an accessible format, upon request.

**3. multi-year accessibility plan.** By January 1, 2014, each Large Provider must also: establish, implement, maintain and document a "multi-year accessibility plan", outlining the Large Provider's strategy to prevent and remove barriers and to meet its requirements under the IAS Regulation; post the plan on its website; and provide the plan in an accessible format, upon request. The plan also has to be reviewed and updated at least once every five years.

## overview of future obligations

Looking further into the future, Large Providers and Small Providers will face requirements under the IAS Regulation to develop, implement and maintain additional accessibility policies, on or after January 1, 2015. We will address those requirements in greater detail at a later date. However, in brief, those obligations will include, without limitation, the following:

### **a) information and communications**

Large and Small Providers will be required to provide information to persons with disabilities about their goods, services or facilities, and make feedback processes available, all in accessible formats or with appropriate communication supports. Large Providers will also be required to make their websites accessible to persons with disabilities.

**b) employment**

Large and Small Providers will be required to address accessibility issues in a number of employment-related areas, including recruitment, supports, emergency response, performance management, career development and advancement, and redeployment. Large Providers will also be required to develop written individual accommodation plans for employees with disabilities and develop return-to-work processes for employees on disability leave.

**c) transportation**

Transportation service providers will also have additional, specific accessibility requirements under the IAS Regulation.

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**cautionary note**

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.