

AODA Compliance for Private Sector and Not-for-Profit Employers

The deadlines for private and not-for-profit employers to comply with the “Employment Standard” under the *Accessibility for Ontarians with Disabilities Act* (“AODA”) are quickly approaching. “Large” organizations (50 or more employees) must comply by **January 1, 2016**. “Small” organizations have until **January 1, 2017**.

Here is what is required for compliance:

Hiring

When hiring, employers have to notify their employees, the public and applicants selected to participate in an assessment or selection process of the availability of accommodation for disability. Where an applicant requests an accommodation, employers must provide suitable accommodation. When making offers of employment, employers have to notify successful applicants of their policies for accommodating employees with disabilities.

Support Policies

Employers will have to inform employees of the policies used to support employees with disabilities, including policies on the provision

of job accommodation, both when they begin their employment and whenever there is a change to the policies.

Communication Supports

Where requested by an employee with a disability, employers will have to provide or arrange for the provision of accessible formats and communication supports for information needed to perform the employee’s job, as well as information that is generally available to employees in the workplace.

Accommodation Plans

Large employers will be required to develop and have in place a written process for the development of documented



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individual accommodation plans for employees with disabilities, including a significant list of prescribed mandatory elements of that process.

Return To Work

Large employers must also develop and have in place a return to work process for employees who have been absent from work due to disability and who require disability-related accommodations in order to return to work. The return to work process must be documented and must outline the steps the employer will take to facilitate the return to work of employees absent due to disability and must use documented individual accommodation plans as part of the process.

Performance Management

Employers using “performance

management” (activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success) will be required to take into account the accessibility needs of employees with disabilities.

Career Development And Advancement

Employers providing “career development and advancement” (by providing additional responsibilities within an employee’s current job, or moving an employee from one job to another that may be higher in pay, provide greater responsibility or be at a higher level in the organization) must take into account the accessibility needs of its employees as well as any individual accommodation plan.

Redeployment

Employers using “redeployment” (the reassignment of employees to other departments or jobs within the organization as an alternative to layoff) must take into account the accessibility needs of its employees with disabilities as well as individual accommodation plans.

Action Items

Large employers must have all of the above policies and processes in place by **January 1, 2016** in order to meet the compliance deadline. Failure to comply can result in orders, fines or penalties.

If you are a Large or Small private or not-for-profit employer and you need help getting ready, please call us to see how we can help you develop your policies and processes.

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