
PREPARING FOR NEW AODA ACCESSIBILITY REQUIREMENTS IN ONTARIO

*By Nancy E. Claridge**

A. INTRODUCTION

January 1, 2015 is the next key compliance date for both “large” and “small” organizations, including charities and not-for-profits, under the Ontario *Integrated Accessibility Standards Regulation* (the “Integrated Accessibility Standards”).¹ Together with the *Accessibility Standards for Customer Service*,² the Integrated Accessibility Standards (jointly the “Accessibility Standards”) is meant to remove barriers addressed in the *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA” or the “Act”).³ Further, January 1, 2015, marks the first time that requirements under the new Design of Public Spaces Standards (Accessibility Standards for the Built Environment) (the “Built Environment Standard”), found in the Integrated Accessibility Standards, will begin to be implemented. This *Charity Law Bulletin* reviews how charities and not-for-profits in Ontario will be impacted by the January 1, 2015 deadline.⁴

B. PURPOSES AND PRINCIPLES

The AODA was introduced in 2005 in recognition of the history of discrimination that people with disabilities have faced in Ontario. Section 1 of the Act states that the Act’s purpose is to benefit all

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¹ Ontario Regulation 191/11.

² Ontario Regulation 429/07.

³ SO 2005, CHAPTER 11.

⁴ For more information on the AODA and the Accessibility Standards see *Charity Law Bulletin No 235* “Ontario Charities and Not-for-profits will Need to Meet Accessibility Standards in 2012” by Terrance S. Carter (November 30, 2010), online at: <<http://www.carters.ca/pub/bulletin/charity/2010/chylb235.pdf>> and *Charity Law Bulletin No 263* “Ontario Accessibility Standards to be in Place as of January 1, 2012” by Barry W. Kwasniewski (October 27, 2011), online at: <<http://www.carters.ca/pub/bulletin/charity/2011/chylb263.htm>>.

Ontarians by developing, implementing, and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respects to goods, services, facilities, accommodation, employment, buildings, structures, and premises on or before January 1, 2025 and to involve persons with disabilities in developing relevant accessibility standards. The Accessibility Standards were developed to help accomplish these goals.

C. REQUIREMENTS UNDER THE INTEGRATED ACCESSIBILITY STANDARDS

The Integrated Accessibility Standards includes four standards, which address barriers related to (1) transportation, (2) employment, (3) information and communications, and (4) design of public spaces and the built environment. The first three standards began to be phased in during 2011, while the fourth standard was added in 2013. Requirements will continue to be phased in until 2021. Compliance dates for the particular requirements of each standard are staggered, with the Government of Ontario and the Legislative Assembly having to comply first, followed by the large public sector organizations, small public sector organizations, large organizations, and small organizations, as applicable. “Large” organizations are defined as having 50 or more employees, while “small” organizations have less than 50 employees. The requirements of the first three standards have already begun to be phased in, while the requirements of the new Built Environment Standard will be phased in for the Government of Ontario and the Legislative Assembly starting on January 1, 2015.

Additionally, large organizations should be aware that their first accessibility report required under the Integrated Accessibility Standard is due as of December 31, 2014, and that these reports will, in the future, be due every three years from that date.⁵

Below is a summary of which accessibility steps under the Integrated Accessibility Standards large and small organizations will be required to take as of January 1, 2015.

1. Training

As of January 1, 2015, all large organizations in Ontario, including charities and not-for-profits, must ensure that training on the requirements of the Integrated Accessibility Standards and the Ontario

⁵ *Supra* note 1 at s. 86.1.

Human Rights Code as it pertains to persons with disabilities is provided to all of their employees and volunteers.⁶ The AODA does not provide specific direction about the content of such training. However, the Act does specify that training must be provided to all persons who participate in developing the organization's policies and all other persons who provide goods, services, or facilities on behalf of the organization. The same training requirements will be enforced for all "small" organizations on January 1, 2016.

2. Feedback

Also, as of January 1, 2015, those same large organizations in Ontario must ensure that any processes they currently have in place for receiving and responding to feedback (i.e.: surveys and questionnaires) are accessible to persons with disabilities.⁷ This means that these documents must be provided in accessible formats or with communication supports upon request. These organizations must also notify the public about these supports and formats. This requirement only applies to organizations that already use feedback processes, as the AODA does not require organizations to create such processes. The same feedback requirements will be enforced for all "small" organizations as of January 1, 2016.

3. Accessibility Policies

As of January 1, 2015, all small organizations in Ontario will be required to develop, implement, and maintain policies that govern how they achieve or will achieve accessibility through meeting the requirements of the Integrated Accessibility Standards.⁸ Organizations with more than 50 employees were required to have such policies in place by January 1, 2014. Large organizations were also required to have such policies in writing and publically available in an accessible format upon request. These details are not applicable to small organizations.

4. Self-Serve Kiosks

As of January 1, 2015, all small organizations in Ontario must consider accessibility for persons with disabilities when designing, procuring, or acquiring self-service kiosks.⁹ Doing so includes considering height, volume control, and colour. Such kiosks include interactive electronic terminals and point-of-sale devices such as those used for making parking payments and retail self-check-out

⁶ *Ibid* at s. 7.

⁷ *Ibid* at s. 11.

⁸ *Ibid* at s. 3.

⁹ *Ibid* at s. 6.

purchases. Organizations with more than 50 employees were required to make these considerations as of January 1, 2014.

5. Built Environment Standard

The new Built Environment Standard will begin to be phased in as of January 1, 2015. It is meant to remove barriers in public spaces as well as new buildings and buildings undergoing major renovations. The meaning of “public spaces” includes areas such as parking spaces, pathways, entrances, and waiting areas. Ontario’s *Building Code* has been amended to reflect the Built Environment Standard.¹⁰ Some commentators have highlighted that the Built Environment Standard does not clarify whether owners or tenants are responsible for the accessibility requirements. The detailed requirements of the Built Environment Standard will apply to the Government of Ontario and the Legislative Assembly as of January 1, 2015 and to large organizations, including applicable charities and not-for-profits, on January 1, 2017. Small organizations will have limited obligations regarding accessible parking and obtaining services as of January 1, 2018. Because the details of the Built Environment Standard are quite complex, it is recommended that large charities and not-for-profits begin to consider their future responsibilities now if they are considering undertaking new construction or major renovations in the near future.

D. CONCLUSION

The compliance dates for requirements in the Accessibility Standards are constantly moving forward. Each year both large and small organizations have new compliance obligations. Organizations should plan ahead and review upcoming accessibility requirements annually. It is important that all organizations comply with the Accessibility Standards for both financial and social reasons. The Integrated Accessibility Standards provides for significant fines for non-compliance both for corporations (with or without share capital) and for directors. In order to help organizations comply with the Accessibility Standards, the Ministry of Economic Development, Employment and Infrastructure provides a useful “Compliance Wizard”. By answering some simple questions, organizations can learn more details about what they need to do to comply with Ontario’s accessibility law.

The Integrated Accessibility Standards can be accessed at: <http://canlii.ca/t/51xrz>

The Compliance Wizard can be accessed at: <https://www.appacats.mcass.gov.on.ca/eadvisor/>

¹⁰ Ontario Regulation 332/12.



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