

SHERRARD KUZZ LLP

Multi-Year Accessibility Plan

1. BACKGROUND & PURPOSE

The purpose of the goal of the *Accessibility for Ontarians with Disabilities Act, 2005* (the “Act”) is to create a more accessible Ontario, by identifying, and to the extent possible, preventing, and eliminating barriers experienced by persons with disabilities.

The *Integrated Accessibility Standards* (the “IAS”) is a regulation under the Act the purpose of which is to ensure accessibility for persons with disabilities in the areas of (i) Information and Communication, (ii) Employment, (iii) Transportation and (iv) Design of Public Spaces.

Sherrard Kuzz LLP (“SK”) has developed a policy that identifies how SK currently achieves and will continue to achieve accessibility by meeting the requirements of the IAS and by preventing and eliminating barriers faced by persons with disabilities (the “Policy”).

The purpose of this multi-year accessibility plan (“Accessibility Plan”) is to create a roadmap that describes in more detail the steps SK will take to meet the accessibility objectives set out in the Policy and the timeline in which these steps will be taken. The Accessibility Plan will help SK ensure accessibility is incorporated into its regular business operations and its future development plans.

2. STATEMENT OF COMMITMENT

SK is committed to developing, implementing and maintaining policies, practices and procedures aimed at meeting the accessibility needs of persons with disabilities in a timely manner.

3. COMPLIANCE WITH EXISTING LAW

Nothing in the Accessibility Plan or Policy is intended to replace or negate existing laws regarding accessibility for persons with disabilities including but not limited to the *Human Rights Code* and the *Workplace Safety and Insurance Act* (“Accessibility Legislation”).

The compliance deadlines established in this Accessibility Plan correspond with the deadlines set out in the IAS. SK is working toward compliance in accordance with those deadlines. However, in advance of the compliance deadlines established by the IAS and this Accessibility Plan, SK will continue to comply with its legal obligations under all applicable Accessibility Legislation.

4. REVIEW

The Accessibility Plan must be reviewed and updated at least once every 5 years but may be reviewed more frequently depending on need.

5. TRANSPARENCY

As of January 1, 2014 the Accessibility Plan will be posted on SK's website. The Accessibility Plan will be provided to any member of the public in a hard, electronic or other Accessible Format upon request.

6. APPLICATION

Except as otherwise limited herein, this Accessibility Plan applies to SK's operations in Ontario including but not limited to:

- i. All persons who provide goods, services or facilities on behalf of SK to its clients in Ontario. This includes our Lawyers, Support Staff, Accounting Staff, Students, Agents and Contractors.
- ii. Any person who participates in the development of SK's policies, practices and procedures respecting SK's Ontario operations.

7. IMPLEMENTATION & REVIEW

Responsibility for the implementation, review and update of the Accessibility Plan is shared as follows:

- The Managing Director and Lawyers are responsible for:
 - The development and maintenance of policies required by the Act and this Accessibility Plan
 - The development and implementation of training programs required by the Act and this Accessibility Plan
 - Implementing the web accessibility requirements
 - Maintenance of the Accessibility Standards for Client Service policy and the Accessible Practices for Client Service & Training Program developed in compliance with the *Accessibility Standards for Customer Service* ("Customer Service Standards")
 - Compliance with the Design of Public Spaces Standards to the extent that they may apply to SK at some time in the future
 - Compliance with the Employment Standards
- The Director of Team Development is responsible for compliance with the Employment Standards as it pertains to Support Staff, save and except Accounting Staff.
- All Staff are responsible for compliance with the Information and Communications Standards and the Customer Service Standards save and except for accessible websites and web content.

8. DEFINITIONS

- i. **Accessible Formats** - may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.
- ii. **Accounting Staff** - means employees of SK employed in the SK accounting department.
- iii. **Client** - means existing and prospective clients of SK.
- iv. **Communication Supports** - may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.
- v. **Contractor** - means an independent contractor, agent, consultant or other third party engaged by SK to provide goods, services or facilities on its behalf.
- vi. **Disability** - means:
 - a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
 - b) a condition of mental impairment or a developmental disability,
 - c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
 - d) a mental disorder, or
 - e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*
- vii. **New Internet Website** - means either a website with a new domain name or a website with an existing domain name undergoing a significant refresh.
- viii. **Performance Management** - means activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success.
- ix. **Redeployment** - means the reassignment of employees to other departments or jobs as an alternative to layoff, when a particular job or department has been eliminated.
- x. **Staff** - means employees of SK.
- xi. **Support Staff** - means employees of SK employed in the position of legal assistant, administrative assistant, administrative support, law clerk, or reception.

- xii. ***Unconvertible Information or Communication*** - means information or communication that it is not technically feasible to convert, or if it is technically feasible to convert, the technology required to do so is not readily available.
- xiii. ***Web Content Accessibility Guidelines (“WCAG”)*** - means the international standard for making websites and web content accessible to people with a wide-range of disabilities. The WCAG contain two levels of compliance, Level A and Level AA.

9. ACCESSIBILITY CUSTOMER SERVICE

SK strives to deliver its services in a manner that respects the dignity and independence of persons with disabilities. SK is also committed to ensuring everyone has the same opportunity to access its services and benefit from these services, in the same place and in a similar way.

To this end SK has developed an Accessibility Standards for Client Service Policy and the Accessible Practices for Client Service & Training Program (collectively “Customer Service Standard Policies”). For a copy of these Customer Service Standard Policies please contact:

Rhonda Cohen

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Employment & Labour Lawyers

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10. DOCUMENTATION

SK reserves the right to request reasonable medical documentation to support a need for accommodation or an accessibility request under this Accessibility Plan.

11. GENERAL ACCESSIBILITY STANDARDS UNDER IAS

I. Training

Compliance Deadline: January 1, 2015

Policy Statement:

By January 1, 2015 (the “Compliance Deadline for Training”), SK will provide training to all existing Staff and all persons who participate in the development of AODA Policies.

Training will be provided on:

- i. the requirements of the IAS;
- ii. the *Human Rights Code* as it pertains to persons with disabilities; and
- iii. the AODA Policies as required by the IAS.

The content of the training will be applicable to the individual’s duties.

Staff hired after the Compliance Deadline for Training will receive the required training as soon as practicable.

SK will keep a record of the training provided, including the dates on which the training is provided and the number of individuals to whom it is provided.

SK will ensure that contractors providing goods, services and/or facilities on SK’s behalf have received training as required under the IAS.

Accessibility Plan:

i. Content of Training

SK will develop a single training program for all Staff on the Information and Communication Standards and the Employment Standards. The training program will address the *Human Rights Code* as it pertains to persons with disabilities and the requirements of the IAS. Appropriate individuals will receive specialized training on the Design of Public Spaces Standards as required

ii. Format of Training

All Staff will receive in-person training where possible

iii. Training for Contractors

SK occasionally engages Contractors to provide goods and services to Clients on its behalf. By the Compliance Deadline for Training, SK will have in place a process for ensuring that all Contractors receive the training required under the IAS.

12. INFORMATION AND COMMUNICATION STANDARDS

I. Feedback Procedures

Compliance Deadline: January 1, 2015

Policy Statement:

By January 1, 2015 SK will ensure that its processes for receiving and responding to feedback are accessible to persons with disabilities by providing or arranging for the provision of Accessible Formats and Communications Supports, upon request.

SK will notify the public that Accessible Formats and Communications Supports are available in respect of its feedback procedures.

Accessibility Plan:

SK currently accepts feedback from employees, Clients and the public in a number of different ways including but not limited to: (i) in person, (ii) over the telephone, (iii) in writing (*i.e.* handwritten, by mail or email), (iv) delivered on a USB key *etc.*

In addition to the above, SK will provide or receive responses to feedback in an Accessible Format or with Communication Supports upon request

II. Accessible Formats & Communication Supports

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016 SK will, upon request, provide or arrange for the provision of Accessible Formats and Communication Supports in order to make its communications or information about the goods, services and/or facilities it offers accessible to persons with disabilities.

Accessibility Plan:

i. Exempt Information

The Information and Communication Standards do not apply to (i) products and product labels; (ii) Unconvertible information or communications; and (iii) information that SK does not control directly or indirectly through a contractual relationship.

Should SK determine that information or a communication is Unconvertible it will explain why this is the case and provide the person making the request with a summary of the said information or communication.

ii. Consultation

Staff who receive a request from a Client or the public for information in an Accessible Format or with Communication Supports should consult with the requesting individual to determine how the information may best be made accessible.

A Contractor who receives a request from a Client or the public for information in an Accessible Format or with Communication Supports should report the request to SK immediately.

The Managing Director and Leah M. Simon are responsible for assisting Staff with the consultation process where required.

iii. Providing Accessible Formats At No Additional Cost

SK may not have Accessible Formats immediately available upon request. If a Client makes a request for accessible documentation in these circumstances, SK will contact and obtain the services of a company that specializes in converting written documentation into accessible formats (i.e. pdf document that can be read by a screen reader, Braille etc.)

Accessible Formats and Communication Supports will be provided in a timely manner and at a cost that is no more than the regular cost charged to other persons.

III. Accessible Websites and Web Content

Initial Website Compliance Deadline: January 1, 2014

Final Website Compliance Deadline: January 1, 2021

Policy Statement:

By the Initial Website Compliance Deadline SK will take reasonable steps to ensure that, where practicable, new content posted on its website conforms with WCAG 2.0 Level A.

By the Final Website Compliance Deadline SK will ensure that, where practicable, all content published on its website after January 1, 2012 conforms with WCAG 2.0 Level AA to the extent required by the IAS.

When determining whether meeting the requirements of this section is practicable SK will consider: i. the availability of commercial software or tools required to achieve web accessibility; and ii. the impact meeting the requirements of this section will have on projects planned before January 1, 2012.

The commitment to provide accessible websites and web content only applies to websites and web content that SK controls directly or indirectly through a contractual relationship that allows for modification of the website or web content in question.

Accessibility Plan:

SK operates a website to service Clients and members of the public. Effective September 30, 2013, SK's website was compliant, in part, with the WCAG 2.0 Level AA. SK will take reasonable steps to ensure that web content posted on SK's website as of January 1, 2014 conforms, where practicable, with WCAG 2.0 Level A. By January 1, 2021 SK will ensure that, where practicable, all content published on its website after January 1, 2012 conforms with WCAG 2.0 Level AA.

13. EMPLOYMENT STANDARDS

The Employment Standards only apply to Staff. They do not apply to Contractors.

I. Recruitment/Selection/Assessment

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016 SK will notify its employees and the public of the availability of accommodation during the recruitment process. SK will further notify all job applicants who are individually selected to participate in an assessment or selection process that accommodation is available upon request in relation to the assessment or selection process if the applicant requires accommodation due to a disability.

If an applicant requests accommodation, SK will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs.

Accessibility Plan:

i. Notification to the Public & External Applicant: Accommodation During Recruitment

This Accessibility Plan posted on SK's website will serve as notice to the public of the availability of accommodation during the recruitment process.

SK may occasionally post open positions on various job search websites. Where such postings are made, SK will include a notification of the availability of accommodation during the recruitment process.

ii. Notification: Accommodation During Assessment & Selection

SK employs different assessment and selection processes depending on the position for which it is hiring. Assessment and selection process may include but is not limited to standard interviews and skills tests.

Where an applicant is individually selected to participate in any assessment or selection process SK will notify the applicant of the availability of accommodation in respect of same.

Where, by reason of a disability, an applicant requests accommodation in respect of an assessment or selection process, SK will consult with the applicant for the purposes of determining an appropriate accommodation. Where SK determines an applicant, due to a disability, does require accommodation during the assessment and selection process, SK will provide accommodation up to the point of undue hardship.

iii. Use of External Recruitment Agencies

SK uses recruitment agencies to recruit for certain positions. Where SK retains a recruitment agency it will ensure that an obligation to notify applicants about the availability of accommodation during the recruitment, assessment and selection process is included in its service contract.

II. Notice to Successful Applicants

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016 SK will ensure that when making offers of employment, it notifies the successful applicant of its policies on accommodating employees with disabilities.

Accessibility Plan:

SK will notify successful candidates for employment of its policy regarding the accommodation of employees with disabilities in its offer letters and/or contracts of employment.

III. Informing Employees of Supports

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016 SK will inform its existing employees of its policies on supporting employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

SK will provide employees with updated information whenever there is a material change to its policies on the provision of job accommodations for employees with disabilities.

Accessibility Plan:

SK will circulate a notification informing employees of the availability of accommodation during employment as well as its policies for the development of documented individual accommodation plans and return to work plans. SK will update this notification as necessary, such as where there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

IV. Accessible Formats and Communication Supports for Employees

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016 SK will, upon the request of an employee with a disability, provide or arrange for the provision of Accessible Formats and Communication Supports in order to ensure that (i) information required by the employee to perform his/her job; and (ii) information generally available to employees in the workplace, is accessible to the employee with a disability.

SK will consult with the employee making the request to determine the suitability of any Accessible Format or Communication Support. However, SK reserves the right to determine the Accessible Format or Communication Support that will be provided in the circumstances.

Accessibility Plan:

A request for the provision of information in an Accessible Format and/or with a Communication Support may be made to the Managing Director (Lawyers and Accounting Staff) or the Director of Team Development (Support Staff excluding Accounting Staff). Such requests will be addressed in accordance with SK's regular procedure for accommodating employees with disabilities which includes the development of a documented individual accommodation plan in consultation with the employee.

Where the provision of information in an Accessible Format is required, SK may utilize the services of Accessibil-IT or another service provider as may be appropriate in the circumstances.

V. Workplace Emergency Response Information

Compliance Deadline: January 1, 2012

Policy Statement:

If an employee has a disability and SK is aware that, due to that disability, the employee requires an individualized workplace emergency response, information addressing such response will be provided to the employee as soon as practicable after SK becomes aware of such requirement.

In such a case, with the employee's consent, SK will designate a colleague(s) to provide such individualized assistance and will ensure that this colleague is provided with a copy of employee's individualized emergency response information.

SK will review the individualized workplace emergency response information when (i) the employee moves to a different work location; (ii) the employee's overall accommodations needs or plans are reviewed; and (iii) when SK reviews its general emergency response policies.

Accessibility Plan:

i. Existing Employees

A notification regarding SK's emergency response procedures as well as the availability of individual emergency response information has been circulated to current employees. Individual emergency response information has been developed as required. SK will continue to update individualized workplace emergency response information as necessary.

ii. New Employees

A copy of SK's emergency response procedures will be included in the Office Manual that is provided to employees upon commencement of employment. Information regarding the availability of individual emergency response information is provided to employees as soon as practicable upon commencement of employment.

VI. Documented Individual Accommodation Plans

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016, SK will have in place a written process for the development of documented individual accommodation plans for employees with disabilities. The process will include the following elements:

- i. The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan.
- ii. The means by which the employee is assessed on an individual basis.
- iii. The manner in which SK can request an evaluation by an outside medical or other expert, at its own expense, to assist in determining if accommodation can be achieved and, if so, how accommodation can be achieved.
- iv. The manner in which the employee can request the participation of a representative from his or her bargaining agent, where the employee is represented by a bargaining agent, or other representative from the workplace, where the employee is not represented by a bargaining agent, in the development of the accommodation plan.
- v. The steps SK will take to protect the privacy of the employee's personal information.
- vi. The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done.
- vii. If an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee.
- viii. The means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.

Where requested, an employee's individual accommodation plan will include any information regarding the provision of Accessible Formats and Communications Supports. Where required, an employee's individual accommodation plan will include individualized workplace emergency response information.

An employee's individual accommodation plan will include any additional accommodation that is to be provided.

Accessibility Plan:

SK is in the process of creating a written policy on the development of Individual Accommodation Plans and will have completed this policy by the Compliance Deadline.

VII. Return to Work Process

Compliance Deadline: January 1, 2016

Policy Statement:

By January 1, 2016, SK will have a documented a return to work process for its employees who have been absent from work due to a disability and who require disability-related accommodations in order to return to work.

The return to work process will outline the steps SK will take to facilitate the employee's return to work and will consider any documented individual accommodation plan that may exist.

Accessibility Plan:

SK is in the process of creating a written policy on the development of a documented return to work process and will have completed this policy by the Compliance Deadline.

VIII. Performance Management

Compliance Deadline: January 1, 2016

Policy Statement:

When applying its performance management process, SK takes into account the accessibility needs of employees with disabilities, and, by January 1, 2016, will take into account written individual accommodation plans.

Accessibility Plan:

Individuals responsible for evaluating employee performance are aware of their obligations under the *Human Rights Code* and do not discriminate against an employee on the basis of disability. By January 1, 2016, individuals responsible for performance management will also take into account written individual accommodation plans as applicable.

IX. Career Development and Advancement

Compliance Deadline: January 1, 2016

Policy Statement:

When evaluating employees for the purposes of career development and advancement, SK takes into account the accessibility needs of employees with disabilities, and, by January 1, 2016, will take into account written individual accommodation plans.

Accessibility Plan:

Individuals responsible for evaluating employees for career development and advancement are aware of SK's obligation under the *Human Rights Code* not to discriminate against an employee on the basis of disability. By January 1, 2016, individuals responsible for evaluating employees for career development and advancement will also take into account written individual accommodation plans as applicable.

X. Redeployment

Compliance Deadline: January 1, 2016

Policy Statement:

When redeploying employees, SK takes into account the accessibility needs of employees with disabilities, and, by January 1, 2016, will take into account written individual accommodation plans.

Accessibility Plan:

Staff responsible for Redeployment are aware of SK's obligation under the *Human Rights Code* not to discriminate against an employee on the basis of disability. By the Compliance Deadline, these individuals will also take into account written individual accommodation plans as applicable.

14. DESIGN OF PUBLIC SPACES STANDARDS

Compliance Deadline: January 1, 2017

Policy Statement:

SK will comply with the accessibility requirements of the Design of Public Spaces Standards when redeveloping or constructing new public spaces on or after January 1, 2017. For further information on existing or planned projects to redevelop or construct new public spaces see SK's Accessibility Plan.

Accessibility Plan:

SK is not currently responsible for redeveloping or constructing any of the public spaces covered by the Design of Public Spaces Standards. However, should SK have such responsibility in the future it will ensure compliance with the requirements of the IAS.

15. QUESTIONS ABOUT THE POLICY OR ACCESSIBILITY PLAN

For more information about the Policy or SK's Accessibility Plan please contact:

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