

Accessibility for Ontarians With Disabilities Act - Enforcement initiatives & how to make your voice heard

March 2014

AODA 101

In June 2005, the Ontario Government passed the *Accessibility for Ontarians with Disabilities Act* (“AODA”). The goal of the AODA is to make Ontario accessible to persons with disabilities by the year 2025. The AODA mandates the creation of certain “Accessibility Standards” targeted at areas of daily living. The two Accessibility Standards passed thus far are: the *Accessibility Standards for Customer Service* (the Customer Service Standard) and the *Integrated Accessibility Standards*. Both of these Accessibility Standards apply broadly to every organization with at least one employee in Ontario and that provides goods or services to the public or other third parties.

A. Enforcement Increasing in Number and Strength

January 1, 2012 was the first deadline under the AODA to impact the private sector. However, the private sector has been slow to comply. **As of November 2013, approximately 36,000 or 70% of Ontario’s private sector organizations had failed to file the compliance report required under the AODA’s Customer Service Standard.** Against this backdrop, the provincial government has come under increasing pressure from disability rights advocates to aggressively enforce the AODA.

In the fall of 2013 the government began sending enforcement letters to non-compliant organizations. To date approximately 2,500 such letters have been sent and approximately 2,000 recipients have filed their compliance report. **The remaining 500 are now being issued compliance orders requiring them to file their report within 30 days or face a fine of between \$500 and \$2000.**

In addition, the government has announced its intention to conduct 1,700 compliance audits in 2014 the purpose of which is to assess whether organizations are implementing AODA-mandated policies as they relate to the provision of goods and services to persons with disabilities.

The message for private sector organizations is clear: the time to comply is now.

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B. Opportunity to Provide Feedback

There is an **immediate and time-limited opportunity to provide the provincial government** with feedback on the AODA, including aspects of the legislation that are impractical in the private sector.

Two separate reviews are underway. Both require participation from the private sector and participation is encouraged. **If your organization, or the industry group to which it belongs, wishes to impact the future content and regulation of the AODA, the time to be heard is now. Contact Sherrard Kuzz LLP for assistance.**

1. Review of the AODA

Dean Mayo Moran, Dean of the University of Toronto, Faculty of Law, has been appointed to review the overall effectiveness of the AODA. Public consultations take place between March 18 and April 22, 2014, and written submissions will be accepted until June 1, 2014. For more information visit: www.aodareview.utoronto.ca or contact any member of the Sherrard Kuzz team.

2. Review of the Customer Service Standard

This review is targeted specifically at the Customer Service Standard, including its long term objectives and the efficacy of the accessibility requirements contained therein. The review is being conducted by the Accessibility Advisory Council and the Standard Development Committee (“ASAC/SDC”), comprised of persons with disabilities and representatives from businesses, non-profit and public sector organizations impacted by the AODA.

In advance of the public review the Standard Development Committee proposed a number of amendments to the Customer Service Standard which are detailed on the Accessibility Directorate’s website at: www.ontario.ca/AccessON. The ASAC/SDC is accepting public feedback between March 3 and April 16, 2014.

For more information and/or for assistance in respect of any matter regarding the AODA, including how to participate in the review process, contact Leah Simon or any member of the Sherrard Kuzz LLP team.

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