

Backgrounder: Accessibility for Ontarians with Disabilities Act, 2005

On June 13, 2005, the government passed the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The act makes Ontario the first jurisdiction in Canada to develop, implement and enforce mandatory accessibility standards. Ontario is developing standards in five key areas by 2025:

1. Customer service
2. Information and communications
3. Employment
4. Transportation
5. Built Environment

Standard Development Process

Under the act, all standards must be developed by external standards development committees comprised of equal representation from the disability community and obligated sectors.

Standard Development Committees are responsible for establishing long-term objectives, developing proposed standards, proposing to whom the standards should apply, and recommending timelines for implementation of proposed standards.

Once initial standards are developed they are submitted for public comment for a minimum period of 45 days. Following this period, public comments are considered by the Standard Development Committee and the final proposed standards are submitted to the Minister of Community and Social Services by the external standards development committees for consideration as law.

The Minister of Community and Social Services, responsible for the Accessibility for Ontarians with Disabilities Act, 2005, has the authority to recommend to the Lieutenant Governor in Council to adopt the proposed standard by regulation in whole, in part, or with modifications.

Through the public review process and additional consultation, the general public, key stakeholders including disability community members and obligated sectors have had opportunities to provide feedback on each standard.

Status of Accessibility Standards

Customer Service:

- On January 1, 2008, the first accessibility standard, Customer Service, became law.
- The standard sets out the requirements that organizations must follow to ensure accessible customer service for persons with disabilities
- As of January 1, 2010, the public sector was required to comply with the standard. The private sector must comply by January 1, 2012.

Information and Communications:

- The proposed Information and Communications Standard outlines requirements for organizations to create, provide and receive information and communications in ways that are accessible for people with disabilities.
- The final proposed standard was submitted to the Minister of Community and Social Services in June 2009.

Employment:

- The proposed Employment Standard will require organizations to provide accessibility across all stages of the employment life cycle, including recruitment, retention, career development and return-to-work.
- The final proposed standard was submitted to the Minister of Community and Social Services in August 2009.

Transportation:

- The proposed Transportation Standard will make it easier for people to travel in Ontario, including people with disabilities, older Ontarians and families traveling with children in strollers.
- The final proposed standard was submitted to the Minister of Community and Social Services in November 2008.

Built Environment:

- The proposed Built Environment Standard will break down barriers in buildings and other structures for people with disabilities by proposing requirements in areas such as entrances, doorways and ramps, parking spaces, signs and displays and recreation (e.g. parks and trails).
- The proposed Built Environment Standard was submitted to the Minister in July 2010 and posted for information purposes on the ministry's website.
- Further information on how this standard will be integrated into regulation will be available in the coming months.

The Proposed Integrated Accessibility Regulation

On May 31, 2010, the Minister announced the development of an Integrated Accessibility Regulation¹ under the Accessibility for Ontarians with Disabilities Act, 2005.

The proposed regulation will include:

1. Accessibility requirements:
 - a. general – requirements that will apply to all standards in the proposed regulation
 - b. information and communications
 - c. employment
 - d. transportation
2. Compliance enforcement initiatives :
 - e. administrative monetary penalties
 - f. designation of a tribunal to hear appeals under the Accessibility for Ontarians with Disabilities Act, 2005
3. Timelines for compliance with accessibility standards between 2011 and 2025.

Proposed compliance timelines are structured in a way that reflects government's commitment to demonstrate leadership and takes into account the capacity of obligated organizations to meet accessibility requirements. Prior to compliance being required, tools and templates will be freely available.

Proposed compliance will be phased-in overtime and is based on the following class structure:

- Government of Ontario
- Broader public organizations with 50+ employees
- Broader public organizations with 1-49 employees
- Private and not-for profit organizations with 50+ employees
- Private and not-for-profit organizations with 1-49 employees

While all organizations will be required to meet accessibility requirements, private and not-for-profit sector organizations with 1-49 employees will not be required to submit compliance reports.

¹ Customer Service – Government will determine how best to align the Customer Service Standard and the Integrated Accessibility Regulation in 2013 when the Customer Service Standard is reviewed in accordance with the AODA.

Built Environment – Information regarding how the requirements for the Built Environment Standard will be integrated into regulation will be made available at a later date.