

Backgrounder: Compliance Assurance Framework

The focus of the compliance assurance framework is to help organizations to become compliant in a fair and transparent manner and moving to more progressive sanctions where compliance assistance and compliance improvement efforts have been unsuccessful.

The compliance assurance framework includes four elements:

1. **Education and awareness:** This involves awareness campaigns, partnerships with key associations and groups, as well as making available compliance assistance materials such as plain language guides and handbooks to help organizations understand their obligations under the standards.
2. **Self-certification reporting strategy:** The ministry has developed an electronic filing program that allows organizations to enrol, complete, certify, and file accessibility reports on-line.
3. **Compliance improvement strategy:** This strategy focuses on assisting those organizations that are non-compliant in a fair and consistent manner in meeting their legal obligations.

The ministry has established a helpdesk to address complex enquiries from organizations and automated notifications to alert organizations of their non-compliance prior to escalation to more direct interaction.

Compliance staff will also be available to work directly with organizations, where appropriate, on ways to help them meet the requirements of the standard. For example, staff may assist an organization in the development of an individualized compliance plan.

4. **Inspection and enforcement:** Under the AODA organizations can be subject to a number of enforcement actions as a result of contraventions of the Act and accessibility standards. These include being subject to inspection (ss.19 - 20), director's orders related to non-compliance (s.21), and/or prosecution for an offence committed under s.37 of the Act.

Inspectors will be appointed to carry out inspection functions under the Act (ss.18-20). Desk audits and field inspections may take place as a result of contraventions of the Act or accessibility standards.

The Act (s.21 and ss.33(8)) sets out that director's orders can be issued to require that a person or organization:

- Be treated as being part of a particular industry, sector or class or if there are two or more persons or organizations that they be treated as one person or organization
- File an accessibility report within a specific time period
- Provide reports or information requested by the director
- Pay an administrative penalty
- Comply with an accessibility standard or other regulation
- Comply with the requirements of an incentive agreement
- Pay an administrative penalty for failing to comply with the accessibility requirements of an incentive agreement under the AODA

The ministry has appointed a director to monitor compliance and enforcement.

Organizations can also face prosecutions for specific offences including failing to comply with a director's order. The offences are set out in s.37 of the AODA and include:

- Giving false or misleading information in an accessibility report
- Providing false or misleading information to a director
- Does not comply with a director's order
- Does not comply with an order of the tribunal
- Preventing an inspector from carrying out their duties
- Intimidating, coercing, or discriminating, or punishing a person who is trying to enforce the Act or a director's order, or person who is co-operating with inspectors, or who provides information during an inspection or proceeding, like a tribunal hearing, under the Act.
- A director or officer of a corporation who fails to carry out their duties

Prosecutions are handled through the courts. If a person or organization is found guilty of an offence and is convicted, the court will determine the fine amounts that will be payable.

The court may set fine amounts at a maximum of \$50,000 per day or part day for a person and \$100,000 per day or part day for a corporation (s.37(3)).