

LABOUR AND EMPLOYMENT

NEW ONTARIO ACCESSIBILITY LAWS TAKE EFFECT JANUARY 1

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Private sector compliance deadlines under the Accessibility for Ontarians with Disabilities Act are fast-approaching. For large organizations (50 or more employees), the deadline for compliance is January 1, 2016. For small organizations (fewer than 50 employees), the deadline is January 1, 2017.

These obligations cover the entire lifespan of the employment relationship:

1. Recruitment

Employers must notify their employees and the public about the availability of disability accommodations during its recruitment process. Also, they must notify job applicants throughout the interview and selection process that accommodation for materials or processes used are available upon request. If an applicant requests an accommodation, the employer must arrange a suitable one with the applicant in a manner that considers the applicant's accessibility needs. When offering employment, every employer must notify the successful applicant of its policies for accommodating employees with disabilities.

2. Support Policies

An employer must inform its employees of its policies used to support employees with disabilities, especially regarding job accommodation, that take into account an employee's accessibility or other needs. Employers must provide this information to new employees as soon as practicable after they begin their employment. Employers must also provide updated information to its employees whenever existing job accommodations policies change.

3. Accessible Communication Supports

Upon request, the employer must arrange with the employee for the accessible formats, or the communication supports to provide information needed to perform the employee's job, as well as for other information generally available to employees in the workplace. The employer must consult with the employee making the request to determine the suitability of an accessible format or communication support.

4. Workplace Emergency Response Information

The employer must provide individualized workplace emergency response information to employees whose disability makes such

information necessary, and the employer is aware of the need for accommodation. If the employee who receives individualized workplace emergency information requires assistance, and if the employee consents, the employer designate a person to assist the disabled employee and provide the emergency response information. Employers must also review the individualized workplace emergency response information when the employee moves to a different location in the organization, whenever the employee's individual accommodation or plans are reviewed, and when the employer reviews its general emergency response policies. Large organizations must also develop a written process for developing individual accommodation plans.

5. Documented Individual Accommodation Plans

Every large organization(50 or more employees) must enact a written process for developing documented individual accommodation plans for employees with disabilities. The process for developing these is detailed in the Integrated Accessibility Standards, which are regulations made under the Accessibility for Ontarians with Disabilities Act. Individual accommodation plans must include any information regarding accessible formats and communications support provided (if requested), individualized workplace emergency response information (if required), and must identify any other accommodation that is to be provided.

6. Return to Work Process

Large organizations also must develop and document a return-to-work process, in addition to any existing return-to-work process created by any other statute, for employees who have been absent from work because of a disability, and who require disability-related accommodations in order to return to work.

7. Performance Management

All employers must take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using performance management processes with respect to employees with disabilities.

8. Career Development

Employers must take into account the accessibility needs of employees with disabilities and any individual accommodation plans when providing career development and advancement opportunities.

9. Redeployment

Employers that use redeployment, including the reassignment of employees to other departments or jobs within the organization as an

alternative to layoff, must take into account the accessibility needs of employees with disabilities, as well as any individual accommodation plans in place.

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