

## EMPLOYERS' ALERT

### New Accessibility Law for Ontario

The Ontario government predicts that 20 years from now 20% of Ontarians are likely to have a disability, up from approximately 13% today.<sup>1</sup> This forecast, along with other considerations, led the government to table the *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”), which became law on June 13, 2005.

The AODA applies to organizations in both the public and private sectors. The goal of the legislation is to make Ontario accessible for people with disabilities with respect to goods, services, facilities, accommodation, buildings, and employment.

The government will work with the disability community and the public and private sectors to develop standards aimed at making Ontario fully accessible by January 1, 2025. According to the government, the following are examples of the types of standards that could be implemented:

- accessible pedestrian routes, buses, washrooms, and entrances into buildings;
- lower counter heights at cash registers to accommodate wheelchairs;
- large print menus in restaurants for the visually-impaired; and
- employee training in serving customers with learning disabilities.

Standards will be mandatory and will identify deadlines for the implementation of accessibility requirements in stages of five years or less.

#### What does this mean for employers?

- Standards Development Committees will be formed which will be responsible for making recommendations to the government as to the standards that should be adopted into law for various industries and sectors of the economy. Employers who are interested in becoming committee members should be on the look out for further information as the government has indicated that it plans to begin recruiting members shortly.

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<sup>1</sup> Ontario Government Backgrounder “Highlights of Accessibility for Ontarians with Disabilities Act, 2005” issued May 10, 2005.

- The government intends to seek public feedback prior to making a standard the law; therefore, employers who do not become committee members can still provide the government with input regarding proposed standards.
- Employers will be responsible for ensuring compliance with standards once they become the law. The *AODA* imposes harsh penalties for violators, which include fines of up to \$50,000 for individuals and \$100,000 for corporations for every day that an offence occurs or continues to occur.
- After standards are implemented, employers will be required to file an accessibility report, either annually or as requested, with the government. The government has the ability to appoint inspectors who are responsible for auditing employers to ensure that they are meeting their legal obligations.

#### **What's New at RT**

- RT held a successful training seminar “Employment and Human Rights Law for Managers” on July 20, 2005
- Upcoming RT training workshop “Managing the Disabled Employee” on September 14, 2005
- Upcoming “RT”s firm breakfast on September 22, 2005: “Update on Constructive Dismissals – What Employers Can and Cannot Do”
- Janice Rubin has been included in the Lexpert Directory as a Leading Practitioner of Employment Law

If you have particular concerns about how certain standards might impact your business and what you can do about them, or if you would like to know more about our practice, please do not hesitate to contact us at (416) 847-1814 or at [contact@rt-law.ca](mailto:contact@rt-law.ca)

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