

WHAT'S NEW at RUBIN THOMLINSON LLP

Janice and **Chris** will be travelling to **Halifax** to conduct Basic Workplace Investigation Techniques and the Report Writing Workshop from October 18-20, 2011. Minimize the risk and protect your workplace by learning how to conduct thorough investigations with Canada's leading workplace investigation experts.

We offer a comprehensive workplace investigation technique curriculum to support professionals at all levels of skill and experience. We'll prepare you to conduct your own investigations through hands-on practical training designed to meet the challenges facing your institution's investigators.

Make sure to register early as registration is limited to 25 people.

To find out more about our training in Halifax or our upcoming sessions in Toronto from December 12-14, 2011, please visit our [website](#).

Our workplace investigation training programs can also be brought to your organization, tailored to your specific workplace investigation training needs. This is often a very efficient and cost-effective way of delivering this training. [Contact us](#) to learn more.

This alert is prepared as a service for our clients and other persons dealing with employment issues. It is not intended to be a complete statement of the law or an opinion on any subject. Although we endeavour to ensure its accuracy, no one should act upon it without a thorough examination of the law after the facts of a specific situation are considered, and without seeking the advice of legal counsel. No part of this publication may be reproduced without prior written permission of Ruben Thomlinson LLP. This has been sent to you courtesy of Ruben Thomlinson LLP.

Approximately 1.85 million Ontarians, or roughly 15.5% of the population, have disabilities. Often times these individuals experience barriers when attempting to access goods and services. Given our aging population, the number of individuals who require accessible customer service will only increase.

The Accessibility for Ontarians with Disabilities Act

In response to these concerns, the government of Ontario enacted the *Accessibility for Ontarians with Disabilities Act* ("AODA") in 2005. In doing so, they became the first province to pass legislation that will develop mandatory accessibility standards and a process to enforce these standards. The legislation created a framework for the development, implementation and enforcement of accessibility standards meant to remove barriers and achieve accessibility for all Ontarians within areas such as goods, services, accommodation, employment and buildings. The AODA defines a "barrier" as anything that stops a person with a disability from fully taking part in society because of that disability.

The Government of Ontario conducted public consultations and worked with persons with disabilities, the business community and other government bodies in order to identify five key areas in which to create standards: Customer Service, Information and Communications, Employment, Transportation and Built Environment.

The Accessibility Standards for Customer Service (the "Standards") were the first set of standards developed and apply to any organization that provides goods or services to members of the public and has at least one employee in Ontario. Although organizations already have a duty to accommodate customers with disabilities under the *Ontario Human Rights Code*, the Standards create several specific requirements relating to aspects of customer service for persons with disabilities.

While designated public sector organizations were required to comply with the Standards by January 1, 2010, private

sector organizations are required to comply by January 1, 2012 and failure to do so could result in significant monetary penalties.

The following is an overview of some of the key first steps towards compliance:

Policies and Procedures

The Standards require all organizations to have policies and procedures in place that govern the manner in which they provide goods and services to persons with disabilities. These policies and procedures are expected to respect the dignity and independence of persons with disabilities and should provide them with equal opportunity to receive goods and services in as integrated a manner as possible.

In some cases, employers may already have policies that outline their commitment to provide such customer service. However, the Standards require several specific topics to be included in most policies and so even existing policies will likely need to be updated. This is especially true for organizations with at least 20 employees that will be expected to have policies and procedures relating to various specific disability-related needs of their customers. If your organization has not previously crafted an accessibility policy, an external consultant may be able to provide assistance and help ensure that your organization is compliant with the new legal requirements.

Establish a Feedback Process

As one purpose of the Standards is to improve the customer service experience for persons with disabilities, organizations are required to establish a process by

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The Accessibility for Ontarians with Disabilities Act

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which they can receive and respond to feedback about the manner in which they are providing goods and services. Customers must be able to provide feedback in a variety of formats and organizations' responses must be delivered in a manner accessible to customers. Organizations are expected to make this process known to their customers and be clear about how they will respond to concerns.

Training

Once policies and procedures are in place, organizations are expected to train all employees who either deal directly with members of the public or have a role in developing policies, practices or procedures relating to the provision of goods or services to members of the public. This training may be conducted using internal staff well-versed in the legislation and providing service to people with disabilities, or can be provided by external trainers.

The content of the training must review the purposes of both the AODA and the Standards, and should also give instruction on various specific types of interactions with persons with disabilities. Training is required on an ongoing basis, with updates for employees as policies change or new standards are developed.

Does your organization require assistance in order to meet the requirements of the Accessibility Standards for Customer Service by January 1, 2012? [Contact us](#) to learn about our AODA-related services, such as:

- Reviewing your organization's existing policies and procedures relating to customer service;
- Developing policies, procedures and practices specific to your organization that comply with the standards; and
- Delivering training on the AODA, the customer service standards and best practices.

Again, the Standards place an additional obligation on organizations with at least 20 employees, in that they are expected to document their training policy and keep detailed records about the delivery of the training to their employees.

Prepare Reports on Your Activities

In addition to the increased requirements to document all policies, practices and procedures, organizations with at least 20 employees are required to make these documents available to members of the public. Additionally, these organizations are required to certify and file accessibility reports online.

Failure to submit reports that confirm an organization's compliance with the legislation can lead to a series of actions by the Accessibility Directorate of Ontario aimed at making organizations meet the Standards. Administrative monetary penalties are a part of this process, the amount of which will depend on the size and type of the organization, its compliance history and the impact of the failure to comply on persons with disabilities. The AODA ultimately allows for penalties of up to \$50,000 per day for individuals in violation of the Act and \$100,000 per day for corporations. ●

60 Minutes with RT

An Update on the Accessibility for Ontarians with Disabilities Act

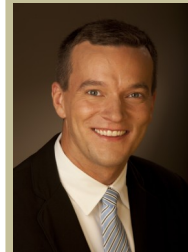
September 16, 2011 12 noon - 1pm

For a more comprehensive discussion of the AODA requirements and their impact for employers, join Janice Rubin and Cory Boyd for an informative hour-long discussion that will help you and your workplace prepare for the changes. Our interactive discussion will include:

- An overview of the AODA compliance framework;
- How to prepare and train your employees for compliance with the Accessibility Standards for Customer Service;
- Guidance on what your policies should include;
- What the reporting requirements are; and
- What resources are available to help your workplace become compliant.

Please visit our [website](#) to register. Train up to four employees for \$99. Registrants will receive written material in advance of the teleseminar. Please note that the \$99 fee allows access to one phone line only.

Welcome Cory Boyd!



We are pleased to announce that Cory Boyd has joined Rubin Thomlinson to continue his practice in workplace investigations and human rights. Cory has conducted workplace investigations into allegations of discrimination, harassment and inappropriate conduct, including complex investigations of systemic workplace practices in both unionized and non-unionized environments for over 10 years. Cory will be supporting our investigation and training practice. Contact Cory 416-847-1814 x 111 or cory@rt-law.ca

We work with employer clients to provide optimal legal solutions to their challenging workplace issues. If you would like to know more about our practice, please do not hesitate to contact us at (416) 847-1814 or via e-mail at contact@rt-law.ca.

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