



# THE EMPLOYERS'Edge BULLETIN

## **Employers Beware: Proposed Employment Accessibility Standard may give Disabled Employees Added Protection in the Workplace**

In February of 2009 a committee, appointed under the *Accessibility for Ontarians with Disabilities Act* (the "AODA"), released the Employment Accessibility Standard ("the Standard") for a public consultation period. If passed, the Standard will create significant new obligations for employers dealing with employees with disabilities through all phases of the employment cycle.

The Standard identifies six specific requirements that are intended to assist in increasing the accessibility and participation of disabled employees in the workplace. Specifically, this includes the following initiatives:

- Recruitment
- Assessment
- Selection
- Hiring processes
- Retention (Performance Management, Career Development and Advancement, Return to Work, Re-Deployment) have far-reaching implications for employers as it will apply to all organizations with paid employ
- Separation and Termination of Employment

The Standard will have far-reaching implications for employers. It will also apply to all organizations with paid employees. Full-time, part-time, casual and seasonal employees will all be covered by the Standard if it becomes law. However, organizations that employ family members, or individuals who perform volunteer services or work as an intern will not be covered by the Standard.

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The committee responsible for the Standard has divided organizations into six different classes. Five of the classes apply to profit and not-for-profit private sector organizations based on their size. The sixth class consists of Ontario public sector organizations. The classes are divided as follows:

- Class A: the smallest private sector organizations, with 1 to 5 employees.
- Class B: 6 to 49 private sector employees.
- Class C: 50 to 99 private sector employees.
- Class D: 100 to 200 private sector employees.
- Class E: the largest private sector organizations, with more than 200 employees; and
- Class F: Ontario's public sector organizations - the Legislative Assembly, Government of Ontario Ministries, municipalities and universities, colleges, hospitals, school boards and other public organizations.

The proposed time limit for employers to comply with the Standard depends on what class an organization belongs to. The proposed time limits for compliance range from one to five years.

In the event that the Standard should become law, employers should be aware that their obligations to disabled employees will be substantially increased and formalized, leading to additional administrative burdens and costs. The Standard will extend beyond and "bureaucratize" the legal requirements imposed under the Ontario *Human Rights Code*, which requires employers to accommodate disabled employees to the point of undue hardship.

Given the potentially significant impact that the Standard will have on business, employers are encouraged to take the time to become acquainted with the details of the Standard, and consider making written submissions to the committee during the public consultation period before the cut-off date of May 22<sup>nd</sup>, 2009.

If you are interested in learning more about the Standard or in making a submission on behalf of your organization, please feel free to contact us.