

Summary of Key Points from the *Accessibility for Ontarians with Disabilities Act* (“AODA”)

What is to be Established

By January 1, 2012, every provider of goods or services in Ontario was to have established “policies, practices and procedures governing the provision of its goods or services to persons with disabilities”.

Required Principles

The *AODA* requires that every provider of goods or services make reasonable efforts to ensure its policies, practices and procedures are consistent with the following principles:

- 1 The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities
- 2 The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services
- 3 Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services.

Assistive Devices

The *AODA* requires that the policies “must deal with the use of assistive devices by persons with disabilities to obtain, use or benefit from the provider’s goods or services or the availability, if any, of other measure which enables them to do so.”

Communication

When communicating with a person with a disability, the *AODA* requires that providers of goods or services “do so in a manner that takes into account the person’s disability.”

Guide Dog/Service Animal

The *AODA* requires that any person with a disability who is accompanied by a guide dog or other service animal be permitted to enter the provider’s premises with the animal and be able to keep the animal with them unless otherwise excluded by law from the premises.

If the animal is excluded by law, then the provider will “ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the provider’s goods or services.”

Support Person

A person with a disability who is accompanied by a support person will have the goods or services provider ensure that the person with a disability is not prevented from having access to the support person while on the premises.

If admission is required for the support person, then the provider of goods or services will ensure that notice is given in advance of the amount required, if any.

Temporary Disruption

The *AODA* requires that the provider of goods or services give notice if there is a temporary disruption in any facilities or services used by a person with a disability in order to obtain, use or benefit from the goods or services.

The notice must indicate the reason for the disruption, the anticipated duration of the disruption and a description of any alternative facilities or services that are available.

The notice must be posted in a conspicuous place on the premises, the provider’s website, if any, or by such other reasonable methods.

Training

“Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

- 1 Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
- 2 Every person who participates in developing the provider’s policies, practices and procedures governing the provision of goods or services to members of the public or other third parties.”

The training must include a review of the purposes of the AODA and the requirements of the Regulation and instruction about the following matters:

- 1 “How to interact and communicate with persons with various types of disability.

- 2 How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or a support person.
- 3 How to use equipment or devices available on the provider’s premises or other wise provided by the provider that may help with the provision of goods or services to a person with a disability.
- 4 What to do if a person with a particular type of disability is having difficulty accessing the provider’s goods or services.”

Feedback

The AODA requires that providers of goods or services “establish a process for receiving and responding to feedback about the manner in which it provides goods or services to persons with disabilities and shall make information about the process readily available to the public.”

Upcoming Events

May 15, 2012	VPI Inc. Presentation: Key Employment Law Decisions 2011 & 2012
June 28, 2012	Thomson Carswell Reuters & HRP A Webinar: Court of Appeal awards \$19 Million Against Employees for Breach of Fiduciary Duties and 10 Months Notice of Resignation!! – Has The Pendulum Now Changed?
January 23-25, 2013	HRPA Annual Conference: Common Pitfalls in Drafting Employment Contracts