



# AODA Primer

An overview of the Accessibility for Ontarians with Disabilities Act

Prepared by: Dr. Sabrina ER Saunders, CEO

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# What is included in the AODA

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The AODA is not one document, but a series of policy papers with subsequent legislation. The original AODA document was published in 2001. This early incarnation focused on consultation with users and advocate groups pertaining to the public sectors such as hospitals, K-12 schools and post-secondary. In 2005, the AODA in the version we now know it, was released. This document looked at all service, public and, to a lesser extent, commercial industries and corporate environments. The 2005 document was amended in 2009 directly preceding the release of the three legislative components which enter into requirements beginning in 2011. Formerly housed within its own Secretariat, the Accessibility for Ontarians with Disabilities now resides with the Ontario Ministry of Community and Social Services. The final component, The Built Environment, is the most recent release and has informed the Ontario Building Code.

As all of the Blue Mountains Public Library services are public service (library, museums, gallery, tourism) we must follow all public access in each of the three areas. Further, all employees, regardless of public or private sector fall under AODA. The annual reporting document to compliance for the AODA has a special section on libraries. Special sectors within the AODA are education (K-12/post secondary, hospital, and library).

Section III of the Act describes who is included under compliance as

*Application of standards 2005, c. 11, s. 6*

*(3) An accessibility standard may apply only to a person or organization that,*

- (a) provides goods, services or facilities;*
- (b) employs persons in Ontario;*
- (c) offers accommodation;*
- (d) owns or occupies a building, structure or premises; or*
- (e) is engaged in a prescribed business, activity or undertaking or meets such other requirements as may be prescribed.*

The Act has yielded three Accessibility Standards which are:

1. Customer Service Standard
2. Integrated Accessibility Standards Regulation
  - Transportation Standard
  - Employment Standard
  - Information & Communications Standard
3. Built Environment Standard

# Moving from Disability to Access

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The AODA and subsequent legislation focuses on Ontarians with disabilities. Although the intent of the Act is to improve conditions of those with disabilities, this microbial focus does miss opportunities. Similarly, in the 1980's AIDS crisis where the medical field focused on the disease of AIDS as opposed to the patient; a shift in thinking moved the industry to see the patient as person and away from patient with disease. When we view the customer, community member or employee through the eyes of the disabled and not disabled, they become a disabled community member and not just a community member who has a differentiation of needs and interests. The medical field moved away from their hyper focus on diseased in the late 1980's as they adopted Universal Precautions, which treated all patients the same and established a manner in which all patients were handled equally. This was an improvement for both the patient and the practitioner. All of our community have a differentiation of needs and interests and the label of disabled is not necessary in prompting specialized service of the person. Someone with a disability may not have access to a stepped floor of a museum due to mobility, but so may a person with a broken leg, a mom with a stroller, or a senior. The difference in this Act is not disabled only, but access. When we only focus on the disabled members of our community we are addressing only the small identified percentage of the population which we can better serve. Therefore, it is important to move beyond disabled and into a lens of Access to All. This difference will ensure the disabled users receive accommodated service, but will also improve service to all users.

## Customer Service Standard

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*Accessible customer service is not about ramps or automatic door openers. It's about understanding that people with disabilities may have different needs. It can be as easy as asking "How can I help?" and making small changes to how you serve customers with disabilities.*

**Effective Date:** January 1, 2010; Consolidated Date July 1, 2011

**Compliance Required by:** January 1, 2012

**Phase in Between:** Immediately—no roll out

**Includes:**

- Every employer must have policies related to accessibility standards for customer service including policies, procedures for provision of good customer service of people with disabilities. These policies must be written and available to the public in alternative formats as requested.
- Reasonable effort to ensure policies, procedures and practices are:
  - Respectful of the individual.
  - Are integrated throughout customer services unless an alternate measure is required;

- Provide equal opportunities for those who are disabled as other clients.
- Communication formats must include alternate formats.
- Goods and Services must be accessible via assistive devices.
- Service animals must be allowed as required unless prohibited by law.
  - In this case alternate arrangements must be made to provide service to the individual when service animals are prohibited by law (not applicable to tourism as service animals are not banned due to public health regulations).
  - When the purpose for a service animal is not apparent, the organization may request a medical note.
- If a support person is required, both people will be allowed entry to the service.
  - The organization may also REQUIRE a support person to assist the individual, but only when it is deemed a health and safety requirement for protection purposes.
  - If fees will be charged for the support person's entry, notice must be given in advance of any amounts.
- Notice of temporary disruption of service, when available, shall be provided. This includes:
  - Reason for the disruption;
  - Alternate availability;
  - Expected return to service;
  - Posting said notice in conspicuous place at location, on web or other reasonable methods
  - A written policy explaining the steps that will be taken to recover services and communicate outages to the public. These shall also be available in alternative formats.
- Training:
  - All staff and volunteers providing service shall receive training;
  - All persons responsible for policy review and development [Board, MAC, CEO, Managers] shall receive training;
  - All staff and volunteer training will be specific to the Act including:
    - How to interact and communicate with people with disabilities;
    - How to interact and assist people who use assistive devices, support people, or service animals;
    - How to use equipment or devices available on site to assist in the provision of services.
  - All individuals involved with policy writing, review or approval training will be specific to the Act including:
    - Employment Policy statement needs (e.g. hire, evaluation, termination);
    - How to evaluate an individual with an Accommodation Plan or disability;
    - Policy considerations on the three current areas;
    - Policy and decision making requirements on the built environment as it pertains to new and retrofit spaces;
    - Designing feedback opportunities including community consultation.
  - Must be ongoing and include updates to the Act and service industry.

- Must include policies and procedures which are written and available upon request in alternate formats.
- Feedback opportunities must be provided for the services as they relate to disabled persons and those with limitations of access and shall include:
  - In person, by phone, in writing, or by electronic formats;
  - Feedback on specific services;
  - Protocols of accepting complaints.
- Notice of availability of documents shall be made in writing and be available in alternate formats. Notice shall be made in public, conspicuous places, the web, and other easily accessible sites.
- Alternate formats of documents shall be provided when requested in a format that is determined to be the most accessible.

## Integrated Accessibility Standards Regulation

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Integrated Accessibility Standards Regulation was approved April 13, 2011. This Standards Regulation requires the following:

- Establish Accessibility Policies by January 1, 2013 (2014 for small public sector organizations).
- Make all policies publically available and available in alternate formats.
- All organizations must develop, train and publish Accessibility Plans and have said plans available in alternate forms by January 1, 2012.
- Accessibility Plans must be reviewed and updated at least every 5 years.
- All organizations must develop, train and publish Emergency Plans for public and employee safety and have said plans available in alternate forms by January 1, 2012.
- Share Emergency Plans with the first responder teams by January 1, 2012.
- Training shall occur for all employees and volunteers.
- Training shall occur for all individuals responsible for policy development [Board, MAC, CEO, Managers].
- Feedback loops will be built into all aspects of service. Feedback shall be received by January 1, 2014 (2015 for small). Said feedback should inform updates to service, policies and plans.

The Standard is listed in two categories: Small designated public sector organization and Large designated public sector organization. Given that Board employees 14 regular staff and additional summer or casual, we are well below the cut off for Small Public Sector designation. Further, it should be noted that we are not part of local government as we are not a department of the Town. Local Government is considered a Large Public Sector regardless of quantity of employees.

- “small designated public sector organization” means a designated public sector organization with at least one but fewer than 50 employees;
- “large designated public sector organization” means a designated public sector organization with 50 or more employees.

## Transportation Standard

Since the Transportation Standard does not directly pertain to our organization, only a cursory review of this Standard is included. If transportation is provided as part of a library or museum event, then the Standard must be upheld.

**Effective Date:** July 1, 2011

**Compliance Required by:** July 1, 2011

### Includes:

- The Ontario government
- Municipalities (Band Council if they report as a Government)
- Transportation Commissions or Authorities
- Also, other organizations that provide transportation services such as
  - Hospitals
  - Taxis
  - Public school boards
  - Public Tourism and Museums
  - Colleges and universities.

- Public sector organizations Section 76 [Taken from the IAS Document]

(1) Designated public sector organizations described in paragraphs 2, 3 and 4 of Schedule 1 that are not primarily in the business of transportation, but that provide transportation services, shall provide accessible vehicles or equivalent services upon request.

(2) Designated public sector organizations referred to in subsection (1) shall meet the requirements of this section by July 1, 2011.

The following Transportation Standards are interpreted for Tourism as Public Sector organizations:

- If customers are transported, by contract or Tourism, (e.g. program/event transport booked by us; we provide a shuttle between our locations; we offer water boat tours to historic designations as a program) accessible transport is required;
- Tourism must make notice/request to customers at the time of registering for tourism activities where transport is provided in order to provide accessible transport if requested or provide scheduled accessible transportation (e.g. Accessible boat tour is at 2pm only; Registration for the

*Wrinkle in Time* movie trip closes Wednesday for accessible transport and Friday for non-accessible transport).

## Employment Standard

The goal of this Standard is described in two-fold.

1. It is to make accessibility a standard part of recruiting, hiring and communicating with employees who have disabilities.
2. It is to help people with disabilities to stay safe.

This is accomplished by making emergency plans; training on evacuation procedures; posting of warning signs; having alternate forms of emergency warning devices; and community plans and procedures with the public, staff and emergency response teams.

**Effective Date:** July 1, 2012

**Compliance Required by:** January 1, 2014 (2015 small)

**Phase in Between:** July 2012 - 2017

### Includes:

- Recruitment, Hiring, Time of Offer
  - Every employer must notify the public and (potential) employees of the availability of accommodations.
  - If an applicant requests an accommodation, the employer must provide suitable accommodations within the function of that job.
  - Every employer shall inform employees at the time of offer of the policies in place to support employees with disabilities, as well as the policy to provide accommodations.
  - Employers shall provide updated information to employees as soon as a change to policy occurs.
- On the Job
  - Needs that arise on the job are the responsibility of the employee who must initiative a request for an Accommodation Plan. The employer may not require an Accommodation Plan.
  - No individual who is on an Accommodation Plan may be negatively evaluated as a result of the Plan itself.
  - The employer may refuse an Accommodation Plan only if the individual can not complete the work required or if that Plan would be a hardship for the employer (most usually in very small companies).
- Accessible formats will be made available to employees for all required materials:
  - Needed to complete their job
  - Given or made available to other employees

- The employer shall consult all employees requiring alternate formats to determine the most suitable format.
- Emergency Response Plans must be completed and available in alternate formats starting January 1, 2012.
  - Meeting with individual employees and developing a tailored emergency response plan according to their needs;
  - Determine what information the employee may need in an emergency;
  - Develop and make public emergency information accessible upon request
  - The employer shall review and renew the Emergency Plan when the employee's:
    - Locations within the organization is changed;
    - Job duties or expectations change;
    - Accommodation needs and plans are reviewed;
    - Employer reviews its general emergency response policies and plans.
- Accommodation Plans must be made available to any employee who requests accommodations. This must be:
  - An individualized accommodation plan based on the specific needs of the employee
  - Including:
    - A description of how the employee can request and evaluate the accommodations offered;
    - How long the Plan will be in place (e.g. cast for 3 weeks, high risk pregnancy for 6 months, or long-term condition);
    - How the employee will be assessed;
    - If/How the employer may request an evaluation by an outside agency;
    - Steps taken to protect the employees privacy;
    - How often and when the Plan will be reviewed;
    - Should a plan be denied, the manner in which reasons for the denial will be given to the employee;
    - If and what form the Plan will be given. If an alternate format is to be provided, a description of said format;
    - Identify all accommodations to be provided;
    - The Workplace Emergency Response Plan and any information pertaining to said Plan and if specific evacuation needs are required, feedback and acknowledgement/approval by EMS.
- If an employee is returning to work (except for small organizations), a return to Work Plan must be in place which shall have a documented process for the return to work which:
  - Explains and outlines the steps the employer will take to facilitate the return to work of an employee who has been away;
  - Use the accommodation plan to facilitate the return to work.
- An employer shall not penalize an employee in a performance evaluation or performance management evaluation for having an accommodation either because of the accommodation, or in the manner in which the evaluation is structured.

- When conducting career development and advancement, the employer shall consider the needs and abilities of employees with disabilities; however, consideration may not penalize the ability to receive career development or advancement.

## Information & Communications Standard

This standard pertains to access to communication methods which most Ontarians expect and rely on for daily interaction such as web pages, print media, and technology access. This is the only place where public tourism and public services are expressly noted within the three Standards. Much of this standard is still being developed and is expected to continue to be developed and phased in as technology continues to change and be introduced into the public sectors through 2025.

**Effective Date:** January 1, 2012

**Phase in Between:** January 2012 - 2025

### Includes:

- Accessible Formats and Communication Supports shall be in place by January 1, 2015 (2016 small).
- Website and web content:
  - Must be accessible according to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG 2.0) at a level AA. This is further described in the Information and Communication Standards specifics;
  - Must include suitable access for various technology assistive devices such as screen readers;
  - It should be noted that public sector have different dates for web content:
    - All new websites and web content (both internet and intranet) shall meet WCAG 2.0 A by January 1, 2014
    - All (new and existing) websites and web content (both internet and intranet) shall meet WCAG 2.0 AA by January 1, 2021 including Live Captioning and Audio Descriptions.
- Accessible format options for information.
  - This is extremely important to both Library and Museum as our collection must be available in a variety of formats, and a patron may request any item in a variety of formats.

## Built Environment Standard

**Effective Date:** July 1, 2016

**Compliance Required by:** immediately, Rolled out with Ontario Building Code

**Phase in Between:** New construction and redeveloped buildings only

**Includes:**

Policy and building codes for all new and retrofit construction. Library, Museum, Gallery, and external spaces are governed by the following key points of the Built Environment Standards.

- New Build/redeveloped builds
- Markings on transitions
- Slopes
- Trails, passing areas, rest areas, amenities on the trail
- Outdoor public use eating areas
- Outdoor play spaces
- Parking, Accessible spaces and access, minimum number and type
- Signage and Wayfinding
- Service Counters

The Ontario Public Library Guidelines specifically addresses Library standards including:

- Height of shelves
- Width of aisles
- Gender free washrooms
- Wayfinding of collections
- Accessible workstations for staff and public
- Accessible and multi-format materials
- Accessibility software

## References and Resources

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### AODA Documents

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E-mail Updates can be subscribed to on AODA updates at

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What is AODA? What is the Accessibility for Ontarians with Disabilities Act? (n.d.).

<http://www.accessibilityadvantage.ca/about-aoda.php>

# AODA Policy Training

February 15, 2018



# Purpose of this Training

As policy developers or approvers you should:

1. Understand the difference between Limited Access and Disability
2. Understand the parts of the AODA
3. Know where the Library/Museum has compliance requirements
4. Understand Community AODA customer service needs and limitations
5. Understand Employee accommodation needs and limitations

# What is Included in the AODA

- Not 1 document, but a series of Policy Papers
- Initial Publication 2001
- Released 2005 as AODA
- 2011-2025 Rollout
- As a GLAM, all 3 sections are relevant to BMPL

# Application of Standards 2005, c. 11, s.6

An accessibility standard may apply only to a person or organization that,

- (a) provides goods, services or facilities;
- (b) employs persons in Ontario;
- (c) offers accommodation;
- (d) owns or occupies a building, structure or premises; or
- (e) is engaged in a prescribed business, activity or undertaking or meets such other requirements as may be prescribed.

# Accessibility Standards

The Act has yielded three Accessibility Standards which are:

1. Customer Service Standard
2. Integrated Accessibility Standards Regulation
  - a) Transportation Standard
  - b) Employment Standard
  - c) Information & Communications Standard
3. Built Environment Standard

# #1 Customer Services Standards

*Accessible customer service is not about ramps or automatic door openers. It's about understanding that people with disabilities may have different needs. It can be as easy as asking "How can I help?" and making small changes to how you serve customers with disabilities.*

# #1 Customer Services Standards

- Policies related to accessible standards for customer service
- Provide equal opportunities for disabled and non-disabled
- Alternate communication formats
- Goods and Services accessible via assistive devices

# #1 Customer Services Standards

- Service Animals allowed and protected over other rights
- Support Persons allowed
- Notice of temporary disruption of service
- Training on accessible customer service
- Feedback
- Alternate format of documents and policy

# #2 Integrated Accessibility Standards

## General Requirements

- Accessibility Policy
- Make public policies available & in alternate formats
- Accessibility Plans
- Emergency Plans with Accessibility Plans noted
- Train for emergencies with first responders
- Policy developers training
- Service feedback loops
- Designated Public Sector [Small v Large]

# #2 Integrated Accessibility Standards

Includes 3 distinct areas

1. Transportation Standard
2. Employment Standard
3. Information & Communications Standard

# #2 Integrated A.S.: Transportation Standard

Designated public sector organizations that are not primarily in the business of transportation, but that provide transportation services, shall provide accessible vehicles or equivalent services upon request

We provide Transportation:

- Program/event outings
- Museum trips

## #2 Integrated A.S.: Transportation Standard

- We must provide accessible transport, with notice
- Allow service animals
- Allow Support Persons

Ex 1: Boat Tours are 10am, 2pm\*, 5pm. [\*Accessible boat tour is at 2pm only]

Ex 2: Registration for the *Wrinkle in Time* movie trip closes Wednesday for accessible transport and Friday for non-accessible transport

# #2 Integrated A.S.: Employment Standard

The goal of this Standard is described in two-fold.

1. It is to make accessibility a standard part of recruiting, hiring and communicating with employees who have disabilities.
2. It is to help people with disabilities to stay safe.

*Accomplish through Evacuation, Accommodation, and Emergency Plans*

# #2 Integrated A.S.: Employment Standard

- Recruitment, Hiring, Time of Offer
- On the Job
- Accessible formations
- Emergency Response Plans
- Accommodation Plans
- Return to Work Plans
- Performance Appraisal protection
- Advancement Opportunities protection

# #2 Integrated A.S.: Information & Communications Standard

- Accessible formats of communication with public
- Accessible formats of content
- Webpage [Intranet, Internet, and apps]
  - WCAG AA
  - Accessible with assistive technology and screen readers
  - Jan 1 2021 meet AA with live captioning and audio descriptions on web content

# #3 Built Environment Standard

## Accessible New Build and Retrofits

- Markings on transitions
- Slopes
- Trails, passing areas, rest areas, amenities on the trail
- Outdoor public use eating areas
- Outdoor play spaces
- Parking, Accessible spaces and access, minimum number and type
- Signage and Wayfinding
- Service Counters

# #3 Built Environment Standard

The Ontario Public Library Guidelines include Library specific standards

- Height of shelves
- Width of aisles
- Gender free washrooms
- Wayfinding of collections
- Accessible workstations for staff and public
- Accessible and multi-format materials
- Accessibility software

Accessibility for Ontarians with Disabilities Act, 2005.  
S.O. 2005, Chapter 11. Integrated Accessibility  
Standards. Consolidation Period: From June 1-June  
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