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LAWYERS • MEDIATORS

AODA 2018 – EMPLOYMENT NEWSLETTER – SPECIAL EDITION

NEW YEAR, NEW AODA RULES

January 1st, 2018 brings a brand new set of requirements for the *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”)

If you are not familiar with AODA, it's comprised of a series of rules and regulations designed to make Ontario fully accessible within the next decade (with a goal of 2025). The rules are being implemented in phases, in order to give both small and large workplaces time to acclimatize to the changes and adjust both their physical spaces, as well as their policies.

What's new in 2018?

The changes to AODA's requirements are based on the number of 'employees' within a business. Under AODA, 'employees' include all full-time, part-time, seasonal, and (non-independent) contractual workers performing work within Ontario. If an individual is earning a salary for work performed, and the business has a right of control over that work, the individual is an employee for AODA purposes.

For small businesses with anywhere between 1 and 19 employees, employers are tasked with making their public spaces accessible. These can include parking lots, recreational trails or beach access routes, waiting areas with fixed seating, service counters, or fixed queuing guides.

Obviously, there are specific exemptions, and existing physical space can be difficult to manipulate. However, Ontario is seeking to make spaces more accessible. Most importantly, new spaces should be designed with accessibility in mind. For example, an area designed for waiting-in-line should be made wide enough so that wheelchairs and scooters can move through the line with ease.

Also, any seated waiting area should contain at least one accessible seat. The Provincial guidelines state that 3% of all fixed seating areas should be accessible. If a hospital has 100 seats in a waiting area, for example, 3 should be made accessible.



Over 20 employees? You will need to fill out an Accessibility Compliance Report.

For businesses (or non-profits) with more than 20 employees, employers have until December 31, 2017 to file an Accessibility Compliance Report. Employers with between 20-49 employees will also need to make their public spaces accessible similar to smaller businesses. The

Accessibility Compliance Report can be downloaded from the [Government of Ontario's website](#). The government will collect information on your business to ensure that you are up to date with all AODA requirements. The Report will need to be submitted every three years: Once again in 2020, and then in 2023.

Why are there so many rules?

When you're fully able-bodied, it's easy to forget what life is like for a person who requires some form of accessibility. Yet every obstacle within your business is an impediment to a (potential) customer who cannot fully access your goods or services.

Furthermore, the penalties for not making your business accessible can be punishing. Aside from the requirements under AODA itself, every news story about a small business turning away a service animal, or that refuses to assist someone in a wheelchair is not only susceptible to a human rights complaint, but may face instant scorn from an avalanche of negative social media attention.

For help making your workplace more accessible, or complying with AODA, please call or e-mail me to set up an appointment for your employment law needs:

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