

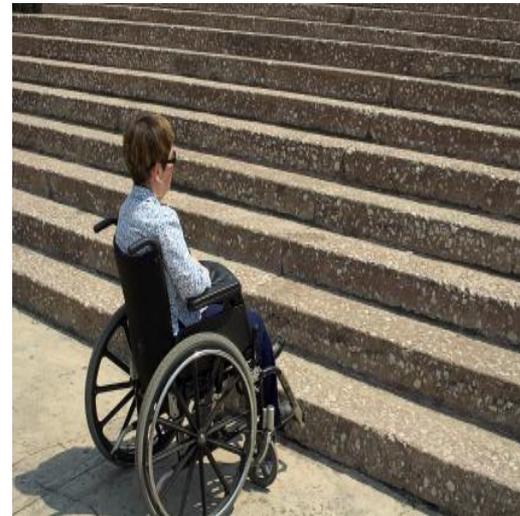
***Accessibility for Ontarians with Disabilities
Act, 2005 (“AODA”)
Training For Vendors***

December , 2013

Overview of the AODA

Purpose: To develop accessibility standards (“**Accessibility Standards**”) to ensure that Ontario is accessible to all people with disabilities by 2025.

The AODA applies to public and private sector organizations across Ontario, including CCO.



CCO's Commitment to Accessibility

- Approximately 1 in 7 people in Ontario have a disability. This number will rise as the population ages.
- CCO is guided by the core principles of the AODA, including dignity, independence, integration and equal opportunity for individuals with disabilities.
- CCO has established an **Accessibility Committee** with designated representatives from across CCO with the mandate to plan, develop and implement processes and procedures to ensure that CCO is meeting its obligations under the AODA.
- CCO has also created documents and developed policies, procedures, training, and a **Multi-Year Accessibility Plan** to support CCO's compliance with the AODA.

Who is a “person with a disability”?

- “**Disability**” has a wide definition. It means:
 - (a) any degree of **physical disability**, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness;
 - (b) a condition of mental impairment or a **developmental disability**;
 - (c) a **learning disability**, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; or
 - (d) a **mental disorder**.

The Ontario Human Rights Code (The Code)

- The AODA and the *Code* complement each other to achieve a barrier-free Ontario. However, the *Code* takes precedence over the AODA.
- Under the *Code*, everyone has the right to be free from discrimination because of a past, present or perceived disability.
- The *Code* applies in the areas of employment, services, goods, facilities, housing, contracts and membership in trade and vocational associations.
 - This right means that persons with disabilities have the right to equal treatment, which includes the right to accessible workplaces, public transit, health services, restaurants, shops and housing.
- At work, employees with disabilities are entitled to the same opportunities and benefits as people without disabilities.
- Under the *Code*, employers are required to accommodate the needs of their employees with disabilities in a manner that most respects their dignity, to the point of undue hardship.

AODA Accessibility Standards

- **Purpose of the AODA:** To develop **Accessibility Standards** to ensure that Ontario is fully accessible to all people with disabilities by 2025.
- **The 5 Accessibility Standards are:**
 - (1) Customer Service Standard (already law)
 - (2) Built Environment Standard
 - (3) Information and Communications
 - (4) Employment
 - (5) Transportation



Integrated Accessibility Standards Regulation

Customer Service Standards

- **Purpose:** To ensure the accessible provision of all goods and services to the public. The *Customer Service Standards* applied to CCO effective January 1, 2010.
- CCO services that are subject to the *Customer Service Standards* include ALL services CCO provides to the public
 - (e.g. CCO's external website, CCO's Integrated Cancer Screening Program, the New Drug Funding Program and Diagnostic Assessment Programs, and CCO's public-facing events, such as CCO's AGM).
- CCO is currently complying with its obligations under the *Customer Service Standards*.

Customer Service Standards – Summary of Requirements

- Policies, practices, and procedures
- Key principles
 - Independence
 - Dignity
 - Integration
 - Equality of opportunity
- Assistive devices
- Communication
- Service animals
- Support persons
- Service disruptions
- Training
- Feedback



Integrated Accessibility Standards

- Three standards - (1) Information and Communications, (2) Employment, and (3) Transportation - have been combined under one AODA accessibility standard, the *Integrated Accessibility Standards Regulation (IASR)*.
- In addition to setting out the requirements for each of the 3 standards, the IASR includes **general requirements** that apply across all 3 standards (e.g. procurement, staff training, development of accessibility plans, etc.)
- The IASR is now law and its requirements are being phased in by 2025. CCO is currently complying with its obligations under the *Integrated Accessibility Standards* for 2012 and 2013.

Information and Communications Standards

- Purpose: to ensure information and communications are provided in a manner accessible to people with disabilities.
- These standards apply to all communications and information *except* for: (i) products & labels, (ii) information or communications that can't be converted into an accessible format, and (iii) information that CCO doesn't control.

Employment Standards

- Purpose: to prevent and remove barriers for people with disabilities in the workplace throughout the life cycle of their employment at CCO.
 - This includes recruitment, assessment, selection, hiring, retention and termination.
- These standards apply in respect of employees and do not apply in respect of independent contractors or volunteers.

General Requirements: Procurement

- CCO is required to make its purchasing practices accessible.
- This involves:
 - a) incorporating accessibility criteria and features when procuring or acquiring goods, services or facilities, *except* where it is not practicable **; and
 - b) providing an explanation, upon request, when it is determined that incorporating accessibility into the procurement process is not practicable.

** *practicable has been explained later in this training.*

Integrated Accessibility Standards: Requirements At-a-Glance

January 1, 2012	January 1, 2013	January 1, 2014	January 1, 2015	January 1, 2021
<p><u>Information and Communications</u></p> <p>Emergency Procedures, Plans and Public Safety documents</p> <p><u>Employment Standards</u></p> <p>Individualized workplace emergency response information</p>	<p><u>General</u></p> <p>Accessibility Policy</p> <p>Multi-year Accessibility Plan</p> <p>Procurement of goods & services</p>	<p><u>General</u></p> <p>Training</p> <p><u>Information and Communications</u></p> <p>Feedback processes</p> <p>Accessible Websites and Web Content (WCAG 2.0 level A)</p> <p><u>Employment Standards</u></p> <p>Recruitment</p> <p>Accessible formats and communication supports</p> <p>Individual accommodation plans</p> <p>Return to work process</p> <p>Performance management</p> <p>Career development and advancement</p>	<p><u>Information and Communications</u></p> <p>Accessible formats and communication supports</p>	<p><u>Information and Communications</u></p> <p>Accessible Websites and Web Content (WCAG 2.0 level AA)</p>

Implementing the Requirement:

How it compares to the *Customer Service Standard*

- CCO has been in compliance with the *Customer Service Standard* since January 1, 2010
 - Under this Standard, CCO is required to consider accessibility when procuring goods/services to be used by the public (see *CCO Customer Service Policy and Procedures* for more details)
- Under the *IASR*, CCO must incorporate accessibility in ALL procurements, whether for internal or external use (except where not practicable)

Implementing the Requirement: What it means for CCO and its Vendors

- 1) CCO's procurement documents must be accessible to vendors with disabilities
- 2) CCO's procured products and services must be accessible to individuals who use them (e.g. employees, public, etc.)

Implementing the Requirement: What it means for CCO and its Vendors

- 1) CCO's procurement documents must be accessible to vendors with disabilities.
 - Clear indication on procurement documents that interested vendors can obtain procurement documents in an accessible format upon request
 - Provide procurement documents in an accessible format in a timely manner and at no additional cost

Implementing the Requirement: What it means for CCO and its Vendors

- **2) CCO's procured products and services must be accessible to individuals who use them (e.g. employees, public, etc.)**
 - Training of successful vendors re. CCO's AODA obligations, including completion of a training module and awareness of CCO's Accessibility Policies.
 - Ensure relevant accessibility features and criteria are included in the Procurement Documents.
 - CCO provides AODA training to all CCO staff to raise awareness and understanding of AODA obligations and responsibilities.
 - CCO's Procurement Policy, Procurement Documents, and Legal Agreements now reflect the obligations under the IASR.

Implementing the Requirement: Accessibility Features & Criteria

- **Accessibility features** - include *technical* features (e.g. software)* and *structural* features (e.g. physical design, including hardware or product specifications)*
 - Desired accessibility features should be included in the RFP
- **Accessibility criteria** - the law does not specify what accessibility criteria to use when purchasing goods and services; it is up to the organization to decide what is appropriate in a particular procurement
 - Accessibility criteria should be added to the standard criteria used to evaluate submissions

* *These are just some of the examples.*

Implementing the Requirement: Determining Accessibility Features & Criteria

- When setting accessibility criteria & features, general principles of accessibility should be considered, such as:
 - *Accessibility*: can a person with a disability use the service at all?
 - *Equitability*: can someone with a disability use the facility as quickly and easily as a person without a disability?
 - *Adaptability*: can a user configure the item to meet their specific needs and preferences and will it work with common assistive technologies?

Implementing the Requirement: Determining Accessibility Features & Criteria *

- **Goods:**
 - Can the good be used by someone - in a seated position? with vision loss or low vision? with hearing loss?
 - Are support materials, such as manuals, training or service calls, available in accessible formats at no extra charge?
- **Services:**
 - Can the service provider accommodate the needs of people of all abilities?
 - Will the company use accessible signage, audio and/or print materials?

** These are just some of the examples of questions to be asked.*

Implementing the Requirement: Determining Practicability

- Factors relevant to practicability may include:
 - Availability of accessible goods, services or facilities
 - Technological compatibility between older products and newer ones being procured
- If accessibility was not incorporated into the purchasing process, an explanation must be provided in an accessible format or with appropriate communication supports, if necessary.

Enforcement of the AODA and the Accessibility Standards ***

- The AODA sets out several mechanisms to enforce the AODA's Accessibility Standards, including:
 - Inspections
 - Director's Orders
 - Administrative penalties
 - Penalty amounts range from \$500 to \$15,000
 - Offences
 - up to a maximum of \$50,000 per day for an individual and \$100,000 per day for a corporation
 - Prosecution, on commission of a defined offence
 - e.g. giving false/misleading information in an accessibility report, interfering with an inspection, etc.

*** *Accessibility Directorate of Ontario, the Ministry of Economic Development, Trade and Employment can enforce this.*

Questions?



Questions on the *AODA*? Please contact us via the ‘Contact Us’ page on our website: www.cancercare.on.ca

- For more information on accessibility in Ontario, visit the Ministry of Community and Social Services website: www.accesson.ca