



AODA PROMOTING ACCESSIBILITY IN EMPLOYMENT STANDARDS

Retirement Life Communities Consulting Inc. follows all employment standards including Accessibility in Employment Standards through in-house and website training.

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Introduction

Almost 3.8 million people in Canada have a disability, and of that only 50% have jobs. Canadians with disabilities are 44% more likely to earn less and live in poverty. Ensuring your organization eliminates barriers for people with disabilities decreases the stigma of hiring people with a disability. By implementing an accessibility program in your organization, you promote breaking down the barriers for those with a disability to participate and enjoy gainful employment. In Ontario under the Accessibility for Ontarians with Disabilities Act (AODA), businesses and non-profits with 1 or more employees have requirements under the Accessible Employment Standard that they must meet.

In this eLearning tutorial, we will provide:

- An overview of the requirements of the Accessible Employment Standard
- Tips on promoting accessibility within your organization to encourage hiring people with a disability.
- How you can support people with disabilities in the workplace.

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Definition of Disability

First let's clearly define the term 'disability'. Under the AODA & the Ontario Human Rights Code, disability is the restriction in a person's functional capacity from an impairment. Disabilities are not always visible and include disabilities that are developmental or intellectual, hearing, learning, mental health, physical or mobility-related, or visual. A disability can be permanent or temporary. It can be acquired at birth or develop at any stage of life.

As defining disability can be complex and cover a broad range an degree of conditions, let's refer to section 10 of the Code that defines disability as:

1. Any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
2. a condition of mental impairment or a developmental disability,
3. a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
4. a mental disorder, or
5. an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

When defining disability, it should be in broad terms that includes both present, past and subjective components. Focus should always be on the current abilities of a person and the situation's current risks.

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Accessibility – Employment Standards

Myths vs Facts

There are some common myths in the workforce regarding people with a disability. These include:

- Someone with a disability won't be reliable and will miss a lot of work.
- Employees with a disability are more likely to get injured on the job.
- Employees with a disability won't do as good of a job as other employees.
- There will be a high turnover among employees with disabilities.

The facts are:

- 86% of people with a disabilities rate average or better on attendance than their colleagues without disabilities.
- 98% of people with a disability rate average or better in work safety than their colleagues without disabilities.
- 90% of people with a disability rate average or better on job performance compared to the colleagues without disabilities; 50% have post-secondary education!
- The job turnover rate among people with disabilities accounts for only 20% of the rate of other employees.

People with disabilities represent a substantial workforce with the potential to influence in meaningful ways. Improving accessibility for people is essential and can build a talented workforce.

How do we get there?

This will require you to review your current hiring and performance management policies and update to include hiring, retention and accommodation policies for people with disabilities. ORCA has provided information in a comprehensive AODA Toolkit to help you get there. Let's start by reviewing the standards for recruitment, selection and assessment.

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Recruitment

- First, notify the public of the availability of accommodation for job applicants during the recruitment process. For example, include this information in your recruitment posting and correspondence when replying to inquiries about the position.
- Then, further notify all job applicants who are individually selected to participate in an assessment or selection process that accommodation is available upon request if the applicant requires accommodation due to a disability.
- If an applicant requests accommodation, you will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that considers the applicant's accessibility needs. For example, someone may need access to larger print documents due to vision loss; or, someone may need additional time completing testing if they have a learning disability.
- Once an applicant is hired, your organization must ensure it notifies the successful applicant of its policies on accommodating employees with disabilities. Also, existing employees must be informed of the organizations policies on supporting employees with disabilities, including, but not limited to, policies on the provision of job accommodations that consider an employee's accessibility needs due to disability.
- Employees must be presented with updated information whenever there is a material change to its policies on the provision of job accommodations for employees with disabilities.

Following these steps will ensure compliance and opens an organization to an abundance of knowledge and skill that is underutilized in the workforce. But... your part doesn't stop there!

Workplace Information

You must provide workplace information in an accessible format if an employee asks for it. This includes:

- any information employees need to perform their jobs (e.g. job descriptions and manuals)
- general information that is available to all employees at work (e.g. company newsletters, bulletins about company policies and health and safety information)

Talk to your employees with disabilities about how they need to receive information.

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Return to Work Process (RTW)

This requirement does not apply:

- to private-sector and non-profit organizations with fewer than 50 employees
- if an employee’s injury or illness is covered by the return to work provision under any other law

You must develop and write a process to support employees who have been absent from work due to a disability and require disability-related accommodations to return to work.

The plan must include:

Step 1. Initiate the leave and stay in contact: once a manager and human resources are informed of the leave, they must maintain regular contact to address any problems that may arise and facilitate the return to work process.

Step 2. Gather relevant information and assess individual needs: Managers will provide return to work information, help resolve any problems with treatment if requested; maintain regular contact with employee; ensure work practices are safe for returning employee; assist with identifying accommodations; and, assist with analyzing the demands of each job task.

The employee will ensure they get and follow the appropriate medical treatment, provide updates about their progress including information about their functionality to perform the job; and provide their health care provider with the return to work information.

Step 3. Return to work plan is developed: Once the appropriate accommodation, safety considerations and transitional measures are identified, the manager and human resources will create a written return to work plan. Depending on the circumstances, employees may return to their original position; return to their original position with accommodation; or, return to an alternate position on a temporary or permanent basis.

Step 4. Implement, monitor and update the plan: Once the return to work lace is implemented, the employee and manager will monitor and review the plan regularly to ensure it remains effective. Updates will be made to the plan if accommodation is no longer appropriate.

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Accommodation Plans

During employment, workers with a disability may need individual accommodation plans. This means the organization will have in place a written process for development of documented individual accommodation plans for employees with disabilities. The process will include the following elements:

- The way an employee requesting accommodation can participate in the development of the individual accommodation plan.
- How the employee is assessed on an individual basis.
- The way the workplace requests an evaluation by an outside medical or other expert, at its own expense, to assist in determining if accommodation can be achieved and, if so, how accommodation can be achieved.
- The way the employee can request the participation of a representative from his or her bargaining agent, if applicable, or other representative from the workplace in the development of the accommodation plan.
- The steps the workplace will take to protect the privacy of the employee's personal information.
- The frequency with which the individual accommodation plan will be reviewed and updated and the way it will be done.
- If an individual accommodation plan is denied, the way the reasons for the denial will be provided to the employee.
- The means of providing the individual accommodation plan in a format that considers the employee's accessibility needs due to disability.
- If an employee was absent from work due to a disability and requires disability-related accommodation to return to work, the workplace must document a return to work process for the employee. This process will outline the steps to facilitate the employee's return to work.

Where requested, an employee's individual accommodation plan will include any information regarding the provision of Accessible Formats and Communications Supports. Where required, an employee's individual accommodation plan will include individualized workplace emergency response information.

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Talent and Performance Management

If your workplace conducts performance management, when measuring performance, it needs to consider the accessibility needs of employees with disabilities, as well as individual accommodation plans, when applying its performance management process. This means that workplaces must consider the accessibility needs of its employees with disabilities as well as any individual accommodation plans when providing opportunities for career development and advancement to its employees with disabilities.

An inclusive work environment is one where everyone is treated with respect and all employees are valued for their contributions. In an inclusive workplace, colleagues and clients are treated with dignity, respect, and equality, and these values are reflected in the organization's mission and vision. Policies and procedures are implemented and managed so that employees' rights are preserved.

ORCA Toolkit

ORCA's Toolkit provides sample policies, forms and checklists to ensure your workplace complies with the accessibility standard. The toolkit also contains a sample Multi-Year Accessibility Plan for integrating the accessibility standards and procedures for creating individual accommodation plans with sample forms for accommodation and return to work plans. Please refer to the ORCA Operations Manual for the complete toolkit.

Included in the resource section of this tutorial are two posters created by the Government of Canada, Employment and Social Development Canada. Your organization can use these posters to promote accessibility standards in the workplace.

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ONTARIO ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT 2005 (AODA)

STRATEGY = SUCCESSFUL CAREERS

Summary

Accessibility compliance is a regulatory commitment. Creating a strategy will ensure people with disabilities are successful in their jobs and careers. The Accessibility for Ontarians with Disabilities Act, known as the AODA, sets the standards for province wide accessibility by 2025. That's over four-hundred thousand organizations that are required to remove barriers and ensure people with disabilities can access their goods and services.

Let's get started on creating equal opportunity for everyone, including those with a disability, in the workplace.

Resources

- Accessible Canada Act: Vision Poster.pdf
- Accessible Canada Act Employment Poster.pdf
- Ontario Human Rights Commission Website (<http://www.ohrc.on.ca>)
- Human Rights Tribunal of Ontario (<http://www.sjto.gov.on.ca/hrto/>)

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