

**STAFF REPORT: Administration**



**REPORT TO:** Council  
**MEETING DATE:** May 25, 2009  
**REPORT NO.:** CEDC.09.08  
**SUBJECT:** Accessibility for Ontarians with Disabilities Act- Employment Standard Response  
**PREPARED BY:** Lisa Kidd, Communications and Economic Development Coordinator  
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#### **A. Recommendations**

THAT Council receive Staff Report, CEDC.09.08, "Accessibility for Ontarians with Disabilities Act- Employment Standard Response", for information purposes.

#### **B. Background**

Several regulations in Ontario address accessibility and some requirements have existed since the 1980s. Since then, progress on accessibility has been made in some areas and by some organizations.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) was passed with the goal of creating standards to improve accessibility across the Province.

The Accessibility for Ontarians with Disabilities Act, 2005, is a regulation passed by the Ontario legislature that allows the government to develop specific standards of accessibility and to enforce them. The standards are made into laws called regulations, and they provide the details to help meet the goal of the AODA. The AODA is the foundation on which the standards are built.

The Province is in the process of unveiling these proposed standards. They are as follows:

- built environment
- customer service
- employment
- information and communications
- transportation

The Province asserts that the purpose of the accessibility standards is to move organizations in Ontario forward on accessibility. The standards will set requirements in a number of key areas and will be reviewed at least every five years. New requirements may be added.

Earlier in 2009, the Ontario Government released the initial proposed Employment Standard. A Standards Development Committee, composed of representatives from the disability and business communities, developed the proposed standard.

The proposed standard outlines how businesses and organizations may be required to provide greater accessibility with regard to employment and the employment environment for persons of all abilities.

Earlier in 2009, the Province invited local government, organizations and individuals to submit comments with respect to the Accessibility for Ontarians with Disabilities Act (AODA)- Employment Standard. The Blue Mountains staff submitted a response to the proposed standard (see Attachment 1). The response is closely aligned with the response submitted by the Ontario Municipal Human Resources Association and the Local Municipal Human Resources Professionals Network.

The Provincial Committee will reconvene to review and consider the input they received during the public review period. Then, the committee will submit a final proposed standard to the government for consideration as law.

To date, all but the built environment standards have been released for public consultation.

### **C. The Blue Mountains' Strategic Plan**

This is a provincially imposed regulation to address the needs of persons with disabilities.

**D. Environmental Impacts**

None.

**E. Budget Impact**

The Province's costing report for the implementation of the proposed Employment Standard indicates the cost of implementation to be approximately 16 days of labour for an existing Human Resources Full-time or Equivalent, equaling an estimated \$6,100 in costs.

**F. Attached**

Attachment 1- Employment Standard Response

Respectfully submitted,

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Signature

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Signature



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## Accessibility for Ontarians with Disabilities Act **Employment Standard: A Response**

The Blue Mountains believes in and supports the principle of full inclusion of individuals with disabilities in our community, as outlined in the Accessibility for Ontarians with Disabilities Act (A.O.D.A.). We also believe that individuals with disabilities are part of our highly skilled and talented labour force, instrumental to building a strong and sustainable organization.

The Blue Mountains welcomes the opportunity to comment on the proposed Employment Standards under the A.O.D.A. We respectfully note the following points for consideration with the expectation that the Employment Standard will serve the needs of employers and employees, including those with disabilities, in an effective and successful way.

This response was created in close consultation with the Human Resources Professionals Association and our local Public Sector Human Resources Network, to which The Blue Mountains subscribes and participates.

### **Organizational Classes**

The proposed standard has only one organizational class for the public sector. We believe that the proposed standard will be difficult for smaller municipalities, like ours, to implement at the same rate and efficacy as larger municipalities. This is largely due to the lack of human and financial resources available to us, compared to larger municipalities.

We recommend that an organizational class structure, based on population, be implemented for the public sector to ensure a more equitable implementation process for all.

### **Timelines**

The overall timeframes are extremely aggressive.

We recommend that consideration should be given to extend them, particularly for smaller municipalities with more limited resources.

*The Blue Mountains will be a progressive four season community, building on its agricultural and recreational features, offering a healthy and supportive lifestyle to a diverse range of residents, businesses and visitors.*

## **Resources**

Contrary to the Deloitte *Costing Report on the Initial Proposed Employment Accessibility Standard*, Employment Standard implementation cannot be assumed by existing Human Resources staff through a shift of focus or priorities. The focus and priorities of our Human Resources staff are on important functions such as Health and Safety, Recruitment and Selection, Organizational Development, and Performance Management. Providing less attention to any of these priorities will result in organizational and legal difficulties.

We recommend that the government consider the provision of financial support, materials and tools to assist smaller municipalities in implementing the Employment Standards within the set timeline.

## **Harmonization of the Standard**

There exists different release dates for each of the 5 standards of the A.O.D.A. As such, it is extremely difficult to understand the financial and resource impact of each standard and possible overlaps between these standards (i.e. Employment and Information and Communications).

We recommend that the Provincial Government harmonize the release of all standards for ease of comprehension, financial impact assessment and implementation.

## **Accommodation**

With respect to *Individual Accommodation Plans for employees*, we posit that accommodation plans are unique to individual needs and circumstances.

We recommend that this section of the standard remain as a broad statement, allowing greater flexibility for the benefit of both the employer and employee.

## **Indicators of Progress**

The Standard does not identify the indicators of progress towards accessible employment.

We recommend that the Standard provide indicators of progress to ensure clarity and full compliance.

## **Internal Employment Posting Process**

There is insufficient clarity in the proposed Standard with respect to the process for internal employment postings.

We recommend that the standard respect the internal and external posting process which currently exists for the employer.

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## **Harmonization with other Legislation**

Organizations currently comply with various employment related legislation, including the Human Rights Code, Workplace Safety and Insurance Act, Employment Standards Act, and the Occupational Health and Safety Act.

We recommend that the proposed Employment Standards are worded in such a way as to ensure that it works seamlessly with existing legislation, by removing the potential for confusion and conflicting language. Examples include ensuring that the principles of undue hardship are consistent with the Human Rights Code, and the term “equivalent work” under the Standard is changed to “suitable work” as per the Workplace Safety and Insurance Act.

## **Training Requirements**

Training and education are essential tools to successful implementation of the Employment Standard. It appears as though all Standards being developed under the A.O.D.A. have a training component.

We recommend that a separate training standard be developed that harmonizes all training requirements under the A.O.D.A. This will reduce duplication and ensure a meaningful and applicable training program for staff.

## **Determination of “Essential Duties”**

The proposed Standard contemplates a predetermination of “Essential Duties” for all positions. This is an extremely time consuming process, and is complicated by the relationship between duties, job descriptions and job evaluation processes.

We recommend that “Essential Duties” be required on an “as needed” basis, as per the current process for modified work considerations under WSIB.

## **Conclusion**

In conclusion, we are committed to removing and preventing barriers to persons with disabilities and are happy to work with the Province to find viable ways to achieve this. Thank you for the opportunity to respond. We look forward to your response.

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