SUBJECT: Comments on *Accessibility for Ontarians with Disabilities Act* (AODA) Draft Employment Standard (FCS09053/HUR09008) (City Wide)

**RECOMMENDATION:**

That the comments attached as Appendix A be approved and submitted to the Minister of Community and Social Services.

Chris Murray  
City Manager

__________________________________________  
Antonio D. Tollis  
Acting General Manager,  
Finance & Corporate Services
EXECUTIVE SUMMARY:

The Ontario Ministry of Community and Social Services released the draft Employment Standards pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) for public review and feedback. Staff have reviewed the draft and outlined some areas where clarification and change should be requested. A copy of the draft standard is attached. The proposed feedback submission is attached as Appendix A for approval for submission to the Province.

BACKGROUND:

On May 10, 2005, the Provincial Government passed the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The AODA is a provincial law that recognizes the history of discrimination against persons with disabilities in Ontario and will require the “…development, implementation and enforcement of standards” for accessibility to goods, services, facilities, employment, accommodation, buildings, structures and premises for persons with disabilities. The AODA standards apply to private and public sector organizations all across Ontario. Persons with disabilities and representatives of the Ontario government, specific industry sectors and various groups to whom the standards will apply have been involved in the development of the accessibility standards.

The Province has indicated that there will be 5 different accessibility standards. Under the AODA, the accessibility standards are established by the Ontario government. They detail the measures, policies, practices and other steps needed to identify, remove and prevent barriers for people with disabilities. Both visible and invisible disabilities will be addressed by the standards including physical, sensory, hearing, mental health, developmental and learning disabilities.

The Province has already approved the Customer Service Standard (O/Reg. 429/07) and staff are now working towards implementation of that standard. It must be implemented by January 1, 2010. The draft Employment Standard, copy attached, is now available for public comment, with a deadline for comments of May 22, 2009. The draft Transportation Standard, having been re-drafted following public comments, is awaiting the Minister’s decision. The draft Information and Communication Standard was also distributed for public consultation and is in the hands of the Minister for possible revision and approval. The draft Built Environment Standard has not yet been released for public comment.

The draft Employment Standard has been reviewed by staff and the feedback attached is presented for Council’s approval to be submitted to the Ministry of Community and Social Services for their consideration in finalizing the standard.
ANALYSIS/RATIONALE:

The objective of the proposed Employment Standard is to prevent, identify and remove barriers across all stages of the employment life cycle for persons with disabilities. The draft Employment Standard sets out fairly detailed requirements in terms of what will be required for organizations to implement the standard and the timeframes proposed for implementation. The standard applies to all organizations which provide paid employment with the exception of organizations which have no employees or which employ only family members. Although most provisions have to be met by all employers, smaller employers have a few provisions which they are not required to meet, and the timeframes for implementation are longer for smaller employers.

The draft standard includes provisions requiring accessible employment policies as well as employee training on the rights and responsibilities of the standard. The training builds upon the training requirements of the Customer Service Standard. The draft Employment Standard provides for accessible processes for the recruitment, assessment, selection and hiring of employees, and provides for accommodation for potential employees throughout the hiring process. The standard requires that information and communications be provided in accessible formats in accordance with the Information and Communications Standard. The standard also provides requirements for employees with disabilities for retention, orientation, performance management, career development and advancement, redeployment and termination. It provides for individual accommodation plans, and requirements for return to work (Non-WSIB). It also provides a requirement for monitoring indicators of progress.

Many of the proposed requirements are good human resources practices that currently occur within the City and are consistent with the City's obligations under the Ontario Human Rights Code. The draft provisions generally add detail to the processes that facilitate increased equity in the employment relationship and increase the systemic implementation of the rights of people with disabilities. Implementation of the draft standard will require a system level review of processes and policies, and subsequent development of new or revised practices to be put in place for implementation. It is anticipated that additional resources will be required to provide surge capacity to ensure alternate employment assessment, information and communication tools are in place by the implementation deadline. Until the AODA Information and Communications Standard is finalized it is difficult to determine the financial impact or feasibility of implementing all of the requirements within the Employment Standard.

The Ministry is specifically asking for feedback on the draft Employment Standards with respect to the following questions:

1. How will the proposed standard help to improve accessibility for people with disabilities?
2. What do you like or dislike about the proposed standard?
3. Is the proposed standard clear and understandable?
4. What are your views about the scope and application of the proposed standard?
5. What will be some of the potential positive or negative effects on your organization?
6. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility, and timelines for implementation?

Responses to these questions are attached in Appendix A and are recommended as the submission to the Ministry from the City of Hamilton.

Attached as Appendix B is a copy of the draft Employment Standard.

**ALTERNATIVES FOR CONSIDERATION:**

Not applicable.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The proposed standard represents progress towards achieving fully accessible employment in Ontario consistent with the City’s obligations under the Ontario Human Rights Code. It is anticipated that additional resources will be required to provide surge capacity to ensure alternate employment assessment, information and communication tools are in place by the implementation deadline. Until the AODA Information and Communications Standard is finalized it is difficult to determine the financial impact or feasibility of implementing all of the requirements within the Employment Standard.

It is further challenging to determine the full costs for training with this standard without looking at the training requirements for all of the new AODA standards. Requirements such as training which cross AODA Standards should be consolidated to allow organizations to make efficient use of their training and human resources, particularly in situations where replacement staff and overtime costs are incurred for mandatory training.

**POLICIES AFFECTING PROPOSAL:**

Human Resource policies will be affected by the AODA Employment Standard.

**RELEVANT CONSULTATION:**

All departments were consulted in the preparation of the comments. In addition to the comments provided as feedback to the Ministry about the draft standard, staff also noted several areas which will need to be addressed in implementation including the following:

- Retrofitting of workplaces to make them accessible for both owned and leased facilities, including workstation size, washrooms, staff areas, accessible entrances
- Ensuring that there are supports available such as ASL interpreters, real time captioners, etc. in an acceptable time frame
• Ensuring that the workplace training is provided in appropriate detail to staff, dependent on their responsibilities, and that it builds on the AODA Customer Service standards training requirements.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens. The implementation of the AODA Employment Standard will improve access to employment opportunities for people in the community with disabilities.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

There is no negative impact on the environment.

Economic Well-Being is enhanced. ☑ Yes ☐ No

A skilled, innovative and diverse workforce is attracted and retained. Economic well-being is enhanced as access to opportunities and services is enhanced for people with disabilities.

Does the option you are recommending create value across all three bottom lines?

☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☑ Yes ☐ No

The Employment Standard of the Accessibility for Ontarians will be consistent with the creation of a respectful, desirable and supportive workplace. The provision of policies, procedures and training for City employees to implement the Employment Standard of the Accessibility for Ontarians with Disabilities Act will assist employees and provide appropriate tools for ensuring equitable opportunities for employees with disabilities.
City of Hamilton Comments on the draft AODA Employment Standards

April, 2009

The following are the responses from the City of Hamilton on the draft Employment Standards with respect to the following questions:

1. **How will the proposed standard help to improve accessibility for people with disabilities?**

   The standard will help to improve accessibility for people with disabilities as it will require policies, processes and practices that will facilitate access to the employment process and appropriate supports and accommodation during the term of employment. It will embed a supportive and equitable approach into employment systems, in a way that is consistent with the rights and obligations of the Ontario Human Rights Code.

2. **What do you like or dislike about the proposed standard?**

   There are a few items where the language of the proposed standard will not necessarily remove barriers to employment, and a few areas that do not appear to be included in the standard which should be addressed.

   - **Section 3 regarding Accessible Employment Policies** should include a requirement for a confidentiality statement.
   - **Clauses 4.1.1 and 4.6**, in providing accommodation and in the provision of information to prospective employees during the recruitment process, are to be done “on request”. This continues a barrier for people with disabilities. This language should be removed from Clause 4.1.1, and changed to “offer to” in Clause 4.6.
   - **Section 4 regarding Recruitment, Assessment, Selection and Hiring** should include a provision requiring a clear process of appeal on hiring decisions.
   - **Section 5 regarding Retention Requirements** should include a statement about equitable salaries.

   The costing information provided by Deloitte is rather inaccurate and conservative. It is unrealistic to expect organizations to have adequate and qualified resources already in place to implement the standards. Once implementation has taken place, the changes to the process may be able to be absorbed without additional resource requirements, but the implementation will create a workload that is unlikely to be able to be absorbed.

3. **Is the proposed standard clear and understandable?**

   There are a few sections of the draft Standard that are not clear as follows:

   - **Clause 4.2 Job Information**: With respect to “Job Information”, there needs to be a clear definition of “essential duties”, and whether or not it includes physical and cognitive demands. The definition should be expanded to ensure that the process and production of “job information” requires answering the question “what other ways can the job be
done to achieve the same outcomes”. This would assist in ensuring that the assumptions about the way to undertake job duties do not create ongoing or additional barriers.

Clause 4.3 Recruitment Requirements: The clauses about recruitment do not appear to recognize that some job postings are only internal in accordance with obligations under Collective Agreements. The definitions in section 7 seem to recognize that there “may” be external postings, but the language in the recruitment section is not clear, and seems to presume that there will be external postings for all jobs.

Clause 6: Indicators of Progress: It would be preferable if the Ministry would prescribe indicators of progress and provide guidelines on how, and what information is required to track progress. Also it should be clearly stated, if and how these indicators would eventually be tied to enforcement.

4. What are your views about the scope and application of the proposed standard?

The scope appears to exclude internships on the assumption that interns are unpaid positions. However, this is not always the case. Paid internships should be included in the scope.

In addition, it is not clear whether or not contract employees or consultants who are hired to do temporary work for an employer are included.

5. What will be some of the potential positive or negative effects on your organization?

It will be beneficial for the organization to have processes in place that clearly and in a systematic way remove the barriers faced by current employees with disabilities and prospective employees with disabilities.

There may be negative effects if the coordination of the timing of the Built Environment Standards and the Information and Communications Standard conflict with the timelines of the Employment Standard.

6. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility, and timelines for implementation?

Overall the standard appears to be appropriate in terms of scope, application, and timelines for implementation, with the exceptions noted above.

The one area of concern is that several clauses refer to the Information and Communications standard, which has not yet been approved. Timelines in the Employment Standard that relate to the Information and Communications Standard should start at the time of implementation of the Information and Communications Standard.
Initial Proposed Employment Accessibility Standard

Key Public Review Question:

The Committee’s initial proposed standard sets out specific requirements for all organizations in Ontario with at least one employee. Six classes of organizations have been indentified to represent types and sizes of organizations that may have different compliance schedules. The Committee welcomes input on whether specific classes have the capacity to comply with specified timelines.
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Preface

The initial proposed accessible employment standard has been developed under the Accessibility for Ontarians with Disabilities Act (AODA 2005). The initial proposed standard does not diminish an organization’s legal obligations imposed by any other applicable legislation, including the Ontario Human Rights Code. The Ontario Human Rights Code already requires individual accommodation for persons with disabilities to the point of undue hardship.

Scope

The long term objective of this initial proposed employment accessibility standard is to set out policies, procedures and requirements for the prevention, identification and removal of barriers across all stages of the employment life cycle for persons with disabilities.

This initial proposed standard applies to organizations providing paid employment. Paid employment includes:
- full-time employment;
- part-time employment;
- paid casual employment;
- paid apprenticeships; and
- paid seasonal employment.

Paid employment does not include employer-employee relationships where remuneration is not provided, such as:
- volunteer work; or
- internships.

Organizations obligated to comply with this initial proposed standard are detailed in Clause 2 – Classes of Obligated Organizations. Organizations have compliance responsibilities for their paid employees. Compliance responsibilities for employees of independent contractors engaged by the organization are the responsibility of the independent contractor.
Organizations not obligated to comply with this initial proposed standard are:
- organizations with no employees; and
- organizations that employ only immediate family members.

2 Classes of obligated organizations

The following classes of organizations have obligations under this initial proposed standard:

Class A: Private sector organizations with 1-5 employees
Class B: Private sector organizations with 6-49 employees
Class C: Private sector organizations with 50-99 employees
Class D: Private sector organizations with 100-200 employees
Class E: Private sector organizations with over 200 employees
Class F: Designated public sector organizations (meaning the Legislative Assembly and the offices of persons appointed on the address of the Assembly, every ministry of the Government of Ontario, every municipality and every person or organization listed in Schedule 1 or described in Schedule 2 to this initial proposed standard)

Note: The private sector includes for profit and not-for-profit organizations.

Committee comment:
Committee members had significant debate on various approaches to defining appropriate classes, for example classes based on organizational types, sizes or capacity to implement proposed accessible employment requirements. The committee considered how many employers in Ontario would fall into each of the proposed classes in proposing Clause 2 categories. The committee invites comments on what size of organization should comply with this standard.
3 Accessible employment policies and training

3.1 General

A culture of inclusion for persons with disabilities within the workplace is advanced when accessibility policies and procedures are promoted and practised throughout an organization which respects the dignity of persons with disabilities throughout the employment life cycle. By working together, employers and employees can create equal opportunities for persons with disabilities. The development of sound accommodation practices is integral to the recruitment, retention and accommodation of knowledgeable and skilled individuals. Integral to the accommodation process is the participation of employees with disabilities in the development of individual accommodation plans. Removal of attitudinal and physical barriers is the responsibility of all workplace parties. Training helps ensure that staff is aware of responsibilities and that the culture of inclusion is promoted throughout the organization.

Note: The standard adopts the definition of disability that is found in the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act, 2005.

3.2 Accessible employment policy statement

Organizations shall develop, adopt and maintain an accessible employment policy statement. The policy statement shall, as a minimum, include organizational commitments to:

a) prevent, identify and remove barriers throughout the employment life cycle;

b) the inclusive design of employment systems and processes;

c) support persons with disabilities with accommodations during recruitment, assessment, selection and hiring stages;

d) support persons with disabilities with individual accommodation plans;

e) respect the privacy of information related to the accommodation of potential and existing employees;

f) provide information and communications in accessible formats and methods; and

g) provide disability awareness training to employees.
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Committee comments:
The committee agreed that large organizations should have an employment policy statement.
The Committee encourages the Government to provide obligated organizations with materials or tools to support implementation.
The committee seeks public input on whether very small organizations (ie, Class A) should be required to have an employment policy statement.

3.3 Accessible employment policies
Organizations shall develop, adopt, document and maintain policies that support implementation of the commitments included in the policy statement.

Organizations shall document management responsibility for adherence to the accessible employment standard.
Committee comments:
The committee agreed that large organizations should have employment policies.
The Committee encourages the Government to provide obligated organizations with materials or tools to support implementation.

3.4 Employee training
Organizations shall provide disability awareness training as specified in the Customer Service standard for all employees.

Based on areas of responsibility, organizations shall provide additional training to employees in the following areas:
   a) accessible employment policies and procedures;
   b) what accommodations can be made;
   c) how to support disability disclosure;
   d) how to identify accommodations; and
   e) how to develop an individual accommodation plan.

Organizations shall periodically review the content of staff training to ensure it is current and relevant.

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4 Recruitment, Assessment, Selection and Hiring Requirements

4.1 Providing accommodation to potential employees

4.1.1 Organizations shall explain, upon request, that accommodation shall be provided to applicants with disabilities to enable their participation in the recruitment, assessment, selection and hiring stages of the employment life cycle.

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4.1.2 Organizations shall develop, adopt, document and maintain a procedure to ensure that accommodation shall be provided to applicants with disabilities to enable their participation in the recruitment, assessment, selection and hiring stages of the employment life cycle.

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4.2 Job information requirements

4.2.1 For recruitment purposes, organizations shall, upon request, provide the essential duties of vacant jobs.

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<sup>a</sup> The Committee did not approve the “years to compliance after regulation enactment” noted above for Classes A, B and C for public review and invites comments on appropriate implementation timeframes for these classes.

4.2.2 For recruitment purposes, organizations shall document the essential duties of vacant jobs.

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4.3 Recruitment requirements
4.3.1 When recruiting, organizations shall provide information, including contact details, about the employment opportunity to organizations that provide employment services for persons with disabilities.

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4.3.2 Organizations that advertise or post employment opportunities shall note in the advertisement or posting that individual accommodation shall be provided for applicants who meet required qualifications.

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4.4 Assessment and selection requirements
When assessing and selecting job applicants, organizations shall:
a) inform job applicants that job assessment and selection materials and procedures, including the application form, job testing materials, and job interview, are available in accessible formats and methods; and
b) ensure that accommodations allow for assessment against the essential duties of the job.
4.5 Hiring requirements

Organizations making documented job offers shall inform individuals about the organization’s individual accommodation procedure.

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<th>Class</th>
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<td>Employees</td>
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<tr>
<td>Years to Compliance After Regulation Enactment</td>
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4.6 Accessible information and communications

Organizations recruiting employees shall, upon request, make the following employment related information or communications available using formats or methods compliant with the Accessible Information and Communications standard:

a) Essential duties of vacant jobs;
b) Employment opportunity information;
c) Job advertisement or posting; and
d) Application forms.
When an applicant is successful in reaching the assessment and selection phase of the employment life cycle, organizations shall, upon request, make the following employment related information or communications available using formats or methods compliant with the Accessible Information and Communications standard:

a) Job testing materials;
b) Job interview.

When an applicant is successful in reaching the hiring phase of the employment life cycle, organizations shall, upon request, make the job offer available using formats or methods compliant with the Accessible Information and Communications standard.

Committee comments:

The Committee did not have an opportunity to fully assess the Information and Communications Standards Development Committee’s Initial Proposed Standard on accessible information and communications. The Committee is agreeing to refer to that SDC’s proposed standard for accessible formats and methods requirements in this initial proposed standard. The Committee looks forward to reviewing the final proposed accessible information and communications standard when preparing its final proposed standard.

5 Retention Requirements

5.1 Providing individual accommodation plans for employees

Organizations shall develop, adopt, document and maintain a procedure for the establishment of individual accommodation plans when requested by the employee. The procedure shall define:

a) how an accommodation may be requested;
b) how individuals requesting accommodation shall be consulted;
c) how the privacy of accommodation plan information shall be managed and protected; and

d) how individual accommodation plans shall be reviewed and modified.
Organizations shall communicate the individual accommodation plan procedure for the establishment of individual accommodation plans to all employees.

Organizations shall develop, adopt, document and maintain a procedure for resolving disputes related to individual accommodation plans.

Individual accommodation plans shall:
- a) assess and accommodate an employee on an individual basis;
- b) consider input, as appropriate, from workplace, medical and/or other experts;
- c) detail the accommodations to be provided;
- d) detail timing for the provision of accommodations;
- e) include individualized emergency evacuation procedures if required; and
- f) include the decision making process used to develop the plan.

Organizations shall provide individual accommodation plans to the individual employee who requested the accommodation.

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<tr>
<th>Class</th>
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<tr>
<td>Years to Compliance After Regulation Enactment</td>
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<td>NA&lt;sup&gt;b&lt;/sup&gt;</td>
<td>3&lt;sup&gt;b&lt;/sup&gt;</td>
<td>3</td>
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</tbody>
</table>

<sup>b</sup> The Committee did not approve the “years to compliance after regulation enactment” noted above for Classes A, B and C for public review and invites comments on appropriate implementation timeframes for these classes.

Committee comment:
The Committee welcomes input on the level of specificity contained in Clause 5.1. Should the clause detail components of the individual accommodation procedure or plan?
5.2 Orientation requirements

5.2.1 During new employee orientation, organizations shall provide:

a) information regarding organizational policies and procedures that support employees with disabilities; and

b) information on how to request an accommodation.

Class | A | B | C | D | E | F
--- | --- | --- | --- | --- | --- | ---
Sector | Private | Public
Employees | 1-5 | 6-49 | 50-99 | 100-200 | >200 | 
Years to Compliance After Regulation Enactment | 5<sup>c</sup> | 5<sup>c</sup> | 5<sup>c</sup> | 3 | 3 | 3

<sup>c</sup> The Committee did not approve the “years to compliance after regulation enactment” noted above for Classes A, B and C for public review and invites comments on appropriate implementation timeframes for these classes.

5.2.2 Organizations shall maintain documented employee orientation records.

Class | A | B | C | D | E | F
--- | --- | --- | --- | --- | --- | ---
Sector | Private | Public
Employees | 1-5 | 6-49 | 50-99 | 100-200 | >200 | 
Years to Compliance After Regulation Enactment | NA | NA | 5 | 5 | 3 | 3

5.2.3 Organizations shall ensure that new employees receive orientation to the organization and training on essential job duties consistent with individual accommodation needs or plans.

Class | A | B | C | D | E | F
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<th>Sector</th>
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<td>Employees</td>
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<td>Years to Compliance</td>
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<sup>d</sup> The Committee did not approve the “years to compliance after regulation enactment” noted above for Classes A, B and C for public review and invites comments on appropriate implementation timeframes for these classes.
5.3 Performance management requirements

Organizations that use performance management processes shall ensure that such processes are applied to employees with disabilities consistent with individual accommodation needs or plans.

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<th>Class</th>
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5.4 Career development and advancement requirements

Organizations that provide career development and advancement information to employees shall ensure that this information is provided to employees with disabilities consistent with individual accommodation needs or plans.

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<th>Class</th>
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5.5 Return to work (Non-WSIB) requirements

Organizations shall develop, adopt, document and maintain a procedure for the return to work of employees who are absent from work as a result of a disability not related to a WSIB-related injury or illness.
Organizations shall document efforts made to return employees to the same or equivalent job.

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<td>Years to Compliance After Regulation Enactment</td>
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<sup>e</sup> The Committee did not approve the “years to compliance after regulation enactment” noted above for Classes A, B and C for public review and invites comments on appropriate implementation timeframes for these classes.

### 5.6 Redeployment requirements

Where organizations have a procedure for redeployment, the procedure shall:

a) apply to employees with disabilities;

b) assess individual accommodation needs or plans;

c) include consultation with the employee and/or the employee’s representative upon request.
5.7 Separation and termination requirements

Where organizations provide information on separation and termination, the information shall be provided in accessible formats or using accessible methods.

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<td>Years to Compliance After Regulation Enactment</td>
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5.8 Emergency and public safety information requirements

5.8.1 Organizations shall explain emergency and public safety information to employees with disabilities using formats or methods compliant with the Accessible Information and Communications standard. Emergency and public safety information shall include, but not be limited to:

a) Workplace Hazardous Materials Information System;

b) workplace health and safety procedures and systems; including alarm systems;

c) emergency evacuation procedures.

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5.8.2 Organizations shall develop, adopt, document and maintain a procedure to make emergency and public safety information available to employees with disabilities using formats or methods compliant with the Accessible Information and Communications standard. Emergency and public safety information shall include, but not be limited to:

a) Workplace Hazardous Materials Information System;

b) workplace health and safety procedures and systems; including alarm systems; and

c) emergency evacuation procedures.

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<td>Years to Compliance After Regulation Enactment</td>
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5.9 Accessible information and communications

Organizations employing persons with disabilities shall make available the following employment related information or communications using formats or methods compliant with the Accessible Information and Communications standard:

a) Individual accommodation plans;

b) Employee orientation materials;

c) If used, performance management processes;

d) If provided, career development and advancement opportunities;

e) Return to work procedure;

f) If existing, redeployment procedure;

g) Separation or termination information; and

h) Emergency and public safety information.
6 Indicators of progress

Organizations shall identify indicators of progress towards accessible employment and collect data that measures performance against selected indicators.

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<td>Years to Compliance After Regulation Enactment</td>
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Committee comment:

The Committee notes that the proposed Clause does not prescribe indicators of progress an organization should use. The Committee welcomes comment on whether the clause should prescribe specific indicators of progress or if it should remain non-prescriptive and flexible. If the clause remains non-prescriptive, the Committee encourages the Government to consider providing guidance or tools to support implementation.
7 Terms used in the Standard

**Accommodation** – Where it is impossible to remove barriers **without undue hardship**, special arrangements must be made so that persons with disabilities can fully participate. This is what is called "accommodation." …. Accommodation will vary according to a person's unique needs. These needs must be considered, assessed, and accommodated individually (Ontario Human Rights Commission, Fact Sheet)

**Develop, Adopt, Document and Maintain** (in relation to policies and procedures)
Adopt – To use a pre-existing template and customize where necessary.
Develop – Produce and implement something that relates to a particular workplace that is not necessarily based upon a pre-existing template
Document – Recorded in writing or other format
Maintain – periodically review and update.

**Assessment** - The identification and evaluation of knowledge, skills and abilities, and other forms of qualifications or conditions (e.g., references, security check) required for employment. Assessment may include initial screening, interview, reference check, police check, psychological test (as applicable).

**Barrier** - anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice. (Accessibility for Ontarians with Disabilities Act)

**Career Development and Advancement** - Movement of an employee from one job to another that may be higher in pay, responsibility, and/or organizational level, usually based on merit, seniority, or a combination of both. (Human Resources Professionals Association)
Casual Employment - Casual workers are individuals who are called into work only as and when they are needed. The activity of these workers is therefore closely dependant on the level of, and fluctuation in, the workload, and they can work for only a few days or for as long as several weeks in a row. (International Labour Office Geneva; Information Sheet No. WT-15, May 2004)

Disability - means
(a) 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,
(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,
(d) a mental disorder, or
(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”) (AODA)

Employment Life Cycle - describes key stages of engagement between an individual and their employer (or a prospective employer). The employment life cycle includes the processes involved in designing the job, identifying the essential duties, recruiting and hiring the person to do the job, retention of the employee and termination.

For the purpose of this standard, Life Cycle means:
- Recruitment
- Assessment
- Selection
- Hiring
- Retention (Performance Management, Career Development and Advancement, Return to Work, Re-Deployment)
- Separation and Termination
**Essential Duties** - involves a consideration of the duties necessary to achieve the actual job outcome, and the worker's ability to perform each of the tasks necessary to achieve the job outcome. (Re-employment Provisions, Determining Essential Duties, Document No. 19-04-04, WSIB)

Essential duties that are critical to fulfilling the purpose or desired outcome of a particular job. When assessing whether duties are essential, an employer can consider:

- How often is the duty performed?
- How much time is spent on each duty?
- How does the duty fit with the others performed in the job?
- How would the job change if the duty were removed?

(Based on information found in *Human Rights at Work*, 3rd edition, Toronto; Carswell, 2008.

**Inclusive Design** (see also Barrier-Free Design and Universal Design)

An approach whereby designers and industry ensure that products and services address the needs of the widest possible consumer base, regardless of ability.

The design of *mainstream* products and/or services that are accessible to, and *usable* by, *as many people* as reasonably possible ... without the need for special adaptation or specialised design." British Standards Institute 2005

Inclusive design refers to design that meets the needs of people with disabilities. Examples include height adjustable desks, chairs, wheelchair friendly openings and non-invasive fluorescent lighting into the workspace.

**Independent Contractors** - A "contract for service", or a business relationship, is one where a person agrees to perform specific work in return for payment. In a "contract for service" relationship, the employer does not necessarily control the manner in which the work is done, or the times and places the work is performed.
Job Advertisement (external) and Job Posting (internal) - Information that describes the requirements of the job and the application process. Job advertisement is a useful tool to attract a wide range of potential applicants. Organizations may post externally through the following: i.e. newspaper advertisements, magazines, journals, job boards (Human Resources and Social Development Canada, Workopolis, Charity Village).

Job Application - Completion of the required documentation for the employer.

Job Offer - A formal employment offer that sets out the terms and conditions of the employment relationship.

Orientation and Training - The introduction of employees to their jobs, coworkers and the organization by providing them with information regarding such items as policies, procedures, company history, goals, culture and work rules, and working conditions. (Adapted from Human Resources Professionals Association)

Performance Management - The process encompassing all activities related to assessing and improving employee performance, productivity, and effectiveness with a goal of facilitating employee success.

Recruitment - The recruitment process is designed to attract a representative group of qualified job applicants to fill available job opportunities. (Human Resources and Social Development Canada)
**Redeployment** - The reassignment of employees to other departments or functions as an alternative to laying them off. (Human Resources Professionals Association)

Note: The objective of a redeployment policy is to facilitate employment once a specific position has been eliminated or an entire department has been transitioned or out-sourced. Such policies provide a degree of employment stability by providing opportunities for re-employment. Collective agreements frequently contain redeployment agreements.

**Retention** - Organizational policies and practices designed to meet the diverse needs of employees and create an environment that encourages employees to remain employed (Society of Human Resource Management)

**Selection Process** - Any step, combination of steps or procedure used as a basis for any employment decision, including, but not limited to, informal or casual interviews, unscored application forms, paper and pencil tests, performance tests, training programs, probationary periods and physical, education and work experience requirements, as well as the decision-making process used in determining whether or not to hire or promote. (Human Resources Professionals Association)

**Selection Process** - Selection determines which candidates from a group of applicants are most likely to be successful in performing the job (Human Resources and Social Development Canada)

**Separation and Termination** –

I. Separation from employment due to a voluntary resignation, layoff, retirement or dismissal. (Society of Human Resource Management)

II. Termination ends the employment of an employee or group of employees. Layoff and recall, disciplinary action, and firing are employer-initiated actions in response to factors such as economic downturn, job obsolescence, poor employee performance and corporate restructuring. (Human Resources and Social Development Canada)

III. Voluntary employee termination refers to employees leaving employment on their own volition for such reasons as the need to
change jobs, better working conditions or career opportunities. (Human Resources and Social Development Canada)

**Universal Design** (see also Barrier-Free Design; Inclusive Design)
Universal design is an approach to the design of products, services and environments to be usable by as many people regardless of age, ability or circumstance. Universal design considerations (Center for Universal Design at North Carolina State University):

- Equitable use
- Flexibility in use
- Simple and intuitive
- Perceptible information
- Tolerance for error
- Low physical effort
- Size and space for approach and use

**Universal Design** is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. The intent of universal design is to simplify life for everyone by making products, communications, and the built environment more usable by as many people as possible at little or no extra cost. "What is Universal Design: Definition." Centre for Universal Design

**Working Conditions** - the factors determining the circumstances in which the worker works. These include hours of work, work organization, job content, welfare services and the measures taken to protect the occupational safety and health of the worker. (International Labour Office Geneva)
8 Glossary of Terms (not used in the Standard)

Barrier-free Design (from Committee’s Glossary document – work in progress; cross-reference with Inclusive Design and Universal Design definition)

This term originally referred to design that allowed barrier-free access to buildings and public environments, e.g. though use of curb cuts, textured paving, ramped entry, wider doorways, corridors and accessible toilets. A barrier-free design feature is denoted by the wheelchair symbol. Today the term “barrier-free” design often extends to the design of a wide range of accessible products and technologies.

Barrier-free Design consists of modifying buildings or facilities so that they can be used by the physically disadvantaged or disabled. An example would be installing a ramp for wheelchairs alongside or in place of some steps. The idea of barrier free modification has largely been superseded by the concept of universal design, which seeks to design things from the outset to support easy access.

Designated Internal Resource - In the corporate environment, the individual(s) responsible for developing and implementing policies and procedures to help persons with disabilities find appropriate jobs and assisting injured ill, and people with disabilities return to work. ( “The Human Resources Glossary, 2nd Edition”, WR Tracey, CRC Press, 1998)

Essential Skills - An essential skill is fundamental to carrying out the most important functions of a job. Without these skills, learned or innate, the job holder will not be able to achieve the overall job objective/s. The following definition is from Human Resources and Social Development Canada:

Fundamental skills that make it possible to learn all others. They are enabling skills that help people participate fully in the workplace and in the community. Essential skills include: Reading Text, Document Use, Numeracy, Writing, Oral Communication, Working with Others, Thinking Skills, Computer Use, and Continuous Learning (Human Resources and Social Development Canada)
**Essential Qualifications** – An essential qualification is a credential that is widely accepted by either employers, trade unions, professional occupational associations or regulatory bodies as necessary for an employee to competently perform a particular job.

**Functional Demands** – an analysis of both the physical and non-physical requirements to perform the essential duties of a job. Functional demands that include decision-making, writing and interactions, are examples of non-physical functional demands.

**Individual Adaptations** - The redesign of tools, machines, workstations and the work environment to an individual’s needs. It may also include adjustments in work organization, work schedules, sequences of work and in breaking down work tasks to their basic elements. (International Labour Office Geneva)

**Job Analysis** - Job analysis is a detailed list of the duties that a particular job involves and the skills required. It indicates what the worker has to do, how he or she has to do it, why he or she has to do it, and what skill is involved in doing it. The analysis can also include facts about tools used, and machines operated. (International Labour Office Geneva). This is a process of gathering the right information to be able to complete a job description.

**Medical Assessment** - A post-offer, pre-employment medical assessment for accommodation purposes. At the time of the medical assessment, the person with a disability provides medical information to support any limitation of function. Medical recommendations are in the form of restrictions of activities, not duties.

**Occupational Health & Safety Services** - Health services which have essentially a preventive function and which are responsible for advising the employer, as well as the workers and their representatives, on the requirements for establishing and maintaining a safe and healthy working environment to facilitate optimal physical and mental health in relation to work. The OHS also provide advice on the adaptation of work to the capacities of workers in light of their physical and mental health. (International Labour Office Geneva)
Policy to Identify and Remove Barriers - The process of reviewing an organization’s policies and procedures to identify and eliminate impediments throughout the employment life cycle in recruitment, selection, retention, transfer, or promotion of people with disabilities throughout the organization.

Procurement & Outsourcing - The practice of contracting with outside vendors to handle specified functions on a permanent basis. (Human Resources Professionals Association)
Schedule 1: Boards, Commissions, Authorities and Agencies

1. Agriculture, Food and Rural Affairs Appeal Tribunal.
2. Agricorp.
3. Alcohol and Gaming Commission of Ontario.
4. Algonquin Forestry Authority.
5. Assessment Review Board.
6. Board of negotiation continued under subsection 27 (1) of the *Expropriations Act*.
7. Cancer Care Ontario.
8. The Centennial Centre of Science and Technology.
11. Each community care access corporation as defined in section 1 of the *Community Care Access Corporations Act, 2001*.
12. Consent and Capacity Board.
15. Crown Employees Grievance Settlement Board.
18. Echo: Improving Women’s Health in Ontario.
19. Education Quality and Accountability Office.
22. Financial Services Tribunal.
25. Greater Toronto Transit Authority.
26. Greater Toronto Transportation Authority.
27. Health Professions Appeal and Review Board.
29. Health Services Appeal and Review Board.
31. Landlord and Tenant Board.
32. Legal Aid Ontario.
33. License Appeal Tribunal.
34. Liquor Control Board of Ontario.
35. Each local health integration network as defined under section 2 of the Local Health System Integration Act, 2006.
36. McMichael Canadian Art Collection.
37. Metropolitan Toronto Convention Centre Corporation.
38. Niagara Escarpment Commission.
40. Normal Farm Practices Protection Board.
41. Office of the Employer Adviser.
42. Office of the Worker Adviser.
43. Ontario Civilian Commission on Police Services.
44. Ontario Clean Water Agency.
45. Ontario Educational Communications Authority.
46. Ontario Electricity Financial Corporation.
47. Ontario Energy Board.
48. Ontario Farm Products Marketing Commission.
49. Ontario Film Review Board.
50. Ontario Financing Authority.
51. Ontario Food Terminal Board.
52. Ontario French-language Educational Communications Authority.
53. Ontario Health Quality Council.
54. Ontario Heritage Trust.
55. Ontario Highway Transportation Board.
57. Ontario Infrastructure Project Corporation.
58. Ontario Labour Relations Board.
59. Ontario Lottery and Gaming Corporation.
60. Ontario Media Development Corporation.
61. Ontario Mental Health Foundation.
62. Ontario Municipal Board.
63. Ontario Northland Transportation Commission.
64. Ontario Parole and Earned Release Board.
65. Ontario Pension Board.
66. Ontario Place Corporation.
68. Ontario Racing Commission.
69. Ontario Realty Corporation.
70. Ontario Review Board.
71. Ontario Securities Commission.
72. Ontario Special Education Tribunal (English).
73. Ontario Special Education Tribunal (French).
74. Ontario Tourism Marketing Partnership Corporation.
75. Ontario Trillium Foundation.
76. Ottawa Congress Centre.
77. Owen Sound Transportation Company.
78. Pay Equity Hearings Tribunal.
79. Pay Equity Office.
80. Province of Ontario Council for the Arts.
81. Public Service Grievance Board.
82. Royal Ontario Museum.
83. St. Lawrence Parks Commission.
84. Science North.
85. Smart Systems for Health Agency.
86. Social Assistance Review Board.
87. Social Benefits Tribunal.
88. Soldiers’ Aid Commission.
89. Trillium Gift of Life Network.
90. Walkerton Clean Water Centre.
91. Workplace Safety and Insurance Appeals Tribunal.
92. Workplace Safety and Insurance Board.
**Schedule 2: Broader Public Sector**

1. Every district school board as defined in section 1 of the *Education Act*.
2. Every hospital as defined in section 1 of the *Public Hospitals Act*.
3. Every college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
4. Every university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.
5. Every public transportation organization in Ontario, including any municipally operated transportation services for persons with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,
   i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
   ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
   iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.