

# **Employment Standard**

## **Disclaimer**

This training resource is not legal advice and should you require assistance in interpreting the legislation or the regulation, please contact your legal adviser. This resource has been created to assist in understanding the legislation and/or regulation and does not replace the official version of the Integrated Accessibility Standards Regulation, Ontario Regulation 191/11 and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). If there is any conflict between this resource, the Integrated Accessibility Standards Regulation and the AODA, the regulation and the AODA are the final authorities.

This resource may be used for non-commercial, not-for-profit purposes only in meeting the requirements of the Integrated Accessibility Standards Regulation 191/11.

## Employment Standard

In this module you will learn about the requirements of the Employment Standard.

The Employment Standard will help employers make their workplaces more accessible to new and current employees with disabilities. Watch this video to learn more.

### Video Transcript

#### **Building on Progress: Introduction to the Employment Standard – Integrated Accessibility Standards Regulation**

Narrator:

When it comes to the workplace, it's little things that can create barriers for people with disabilities. Barriers can be in processes, in a tool we use in our work like a computer, an aspect of the physical environment or... attitudes. Listen to this story about a job ad that wasn't accessible.

Rod:

"I found one, it sounded just perfect in terms of my qualifications. The position was for a disability counsellor. But when I tried to access the rest of the information about the job, my screen reader couldn't read it. The website was not accessible. So I called to ask for more information."

Rod speaking on the phone to the organization:

"The difficulty I'm having is that I can't access the information on your website with my screen reader. So, is there someone who can spend a few minutes with me going over some of the information? I'd like to apply for the job."

Voice on phone:

"There's a lot of information here. I don't have the time right now to give you everything. But if you give me your name and number we'll be sure to have someone give you a call back."

Rod:

"Unfortunately, no one called back. And because the website wasn't accessible, I wasn't able to even apply for the position. The next time I applied for a job, I was fortunate because I found an employer who made sure that their website was accessible. And I

was able to read the whole thing including the history of the organization. I did apply for that job, and finally, I was able to get an interview.”

Narrator:

With an ad that wasn't accessible, the first organization missed out on reaching a good candidate.

But you know, making an accessible document isn't all that difficult.

In this next clip, a project manager talks about how simple physical accommodations at the office made all the difference.

Alicia:

“I work in project management for a training company. For me, the first day on the job was the challenging part, but nothing we couldn't work out. The desk I was given wasn't designed to fit a wheelchair. Plus, all of the reference documents the information design team used were placed on a shelf too high for me to reach.

A different desk and moving the books made everything work fine for me.”

Narrator:

According to Statistics Canada, Ontarians with disabilities are more likely to be unemployed or under-employed.

By making your recruitment processes and employment policies more accessible, you open your doors to a much larger resource pool. It's a win/win situation.

So, how do you open your doors? It's all about looking at your human resource processes through an additional lens.

Some of you may be familiar with the Employment Standards Act. It sets out the minimum fairness standards for the workplace.

The Employment Standard under the Integrated Accessibility Standards Regulation is different. It deals with accessibility in the employment cycle.

It builds on the obligations that employers have under the Ontario Human Rights Code.

The standard formalizes workplace accessibility processes that many organizations already have in place.

And, accommodating specific accessibility needs due to disability doesn't usually take as much effort as you might think.

The majority of people with a disability require no accommodations at all. A recent study found that when accommodations are required, employers reported that 56% of accommodations cost absolutely nothing to make, while the rest typically cost only \$500 or less.

For such a small cost, the rewards are immeasurable, for your organization, for your new and existing employees, for the bottom line of your business.

The Employment Standard, as outlined in this module, addresses the processes and procedures organizations follow in recruiting and accommodating their employees.

The standard will help people with disabilities participate in our labour force and economy, and will help employers find untapped talent.

[Text on screen:] Developed by Curriculum Services Canada with support from the Government of Ontario Copyright 2012

Now let's take a closer look at the requirements of this standard.

## **Module Topics**

- About the Employment Standard
- Informing Employees of Supports
- Accessible Recruitment Process
- Accessible Formats and Communication Supports
- Documented Individual Accommodation Plans
- Workplace Emergency Response Information
- Performance Management, Career Development, and Redeployment
- Return to Work Process
- Compliance Deadlines for the Employment Standard

This module will take you approximately 12 minutes to complete.

## About the Employment Standard

The Ontario Human Rights Code requires all employers to meet the accommodation needs of employees with disabilities to the point of undue hardship. The Employment Standard builds on this requirement. It requires employers to have processes in place to determine an employee's accommodation needs.

The standard applies to organizations with one or more employees in Ontario, and which provide goods, services, or facilities to the public or to other organizations.

The requirements:

- Apply to paid employees.
- Do not apply to volunteers and other non-paid individuals.

The requirements of this standard address key processes in the life cycle of a job and are outlined on the following screens.

The module concludes with information about the compliance deadlines.

## **Informing Employees of Supports**

The Employment Standard requires employers to inform all employees, both new and existing, of their accessible employment practices. This includes, but is not limited to, policies on providing job accommodations that take into account an employee's accessibility needs due to disability.

This will make all employees aware of how the organization will support them if they have a disability – or should they acquire a disability later in their career.

## Accessible Recruitment Process

An employment relationship with an employee typically begins through a recruitment process.

When planning your accessible recruitment process, there are three requirements to follow:

- **When advertising job positions:** When advertising job positions, state that accommodations for job applicants with disabilities are available on request. For example, your organization may choose to do this in all job ads, a statement on your website, or another way. This will notify your existing employees and the public that the organization will support their participation in all aspects of the recruitment process.
- **When inviting job applicants to participate in the selection process:** When inviting job applicants to participate in the selection process, state that accessibility accommodations are available on request to support their participation. For example, when scheduling interviews, all applicants can be asked if any accessibility accommodations are needed for the recruitment process, but not about the need for accommodation for the job itself. An example of an accommodation that may be requested is that material given to candidates during the interview be provided in large print.
- **When offering a job to a successful applicant:** When offering a job to a successful applicant, inform them of your organization's policies on accommodating employees with disabilities. This could be verbally, in person, by email, or in an offer letter.



## **Accessible Formats and Communication Supports**

Once hired, employees may request accessible formats and communication supports. This requirement is similar to those in the Information and Communications Standard. Employers must consult with employees to determine their accessibility needs and how best to accommodate them.

Accessible formats and communication supports can be requested for:

- Information required for the employee to perform their job, and
- Information generally available to all employees

What are some examples of accessible formats or communication supports an employee may require?

- Screen reader: Access to the use of software such as a screen reader
- Electronic format: Documents in an electronic format
- Text transcripts: Text transcripts of visual or audio information

## Documented Individual Accommodation Plans

The standard requires all employers (**except small organizations**) to have a written process to document individual accommodation plans for employees with disabilities. This will help organizations have a clear and consistent approach for accommodating employees with disabilities.

What is an individual accommodation plan?

- **Individual accommodation plan:** An individual accommodation plan is a formal way of recording and reviewing the workplace-related accommodations that will be provided to an employee with a disability. Employers must work with an employee with a disability to find the appropriate accommodation to meet the individual's accommodation needs. For example, it might include the need to provide screen reader software for a computer.

### Elements to Include

The standard specifies a number of elements that must be included in the process for developing documented individual accommodation plans, including:

- How the employee can participate in the process
- How the employer can seek outside expert advice to help determine an employee's accommodation needs
- How the privacy of personal information will be protected
- How often the plan will be reviewed

## Workplace Emergency Response Information

Individualized emergency response information can help both employees with disabilities and organizations be better prepared for a range of emergencies such as fire, power outages or severe weather.

For example, an employee who cannot hear a fire alarm will need to know how and when to safely exit the building in the event of a fire.

Every employer must provide individualized workplace emergency response information to employees with disabilities if:

- The disability makes it necessary, and
- The employer is aware of the need.

With the employee's consent, you must ensure the information is shared with anyone designated to help them in an emergency.

This information must be reviewed when:

- The employee moves to a different location in your organization.
- The employee's overall accommodation needs or plan are reviewed.
- You review your organization's emergency response policies.

Compliance deadline for all organizations is **January 1, 2012**.

## Performance Management, Career Development, and Redeployment

There are other processes that help support employees. The standard also includes requirements for these:

- Performance management
- Career development
- Redeployment

The standard requires these processes take into account the accessibility needs of employees with disabilities and their individual accommodation plans.

These requirements apply only if the organization currently has these processes in place. Organizations are not required to establish these processes if they don't exist.

Some examples of how these requirements could apply:

- **Performance Plan:** Providing a performance plan document in large print to an employee with low vision
- **Accommodation Plan:** Reviewing an employee's accommodation plan to understand the individual's accommodation needs and determine whether it needs adjusting to improve his or her performance on the job
- **Accommodation Supports:** Adjusting accommodation supports or updating an accommodation plan, with the employee's participation, to meet the employee's new role or responsibilities in the event the employee is promoted or redeployed

## Knowledge Check

In what instances must an employee's individualized workplace emergency response information be reviewed? Choose **all** that apply.

- a) During their yearly performance review
- b) **When you review your organization's emergency response policies**
- c) **When the employee moves to a different location in your organization**
- d) At least every two years

Answers b) and c) are correct. You need to review an employee's individualized workplace emergency response information when you review your organization's emergency response policies, when the employee moves to a different location in your organization, and when the employee's overall accommodation needs or plan are reviewed.

## Return to Work Process

An employee with a disability may sometimes need to take time off work for a treatment, recovery, or other reasons. In addition, a disability such as an injury or illness can happen at any time and to any one of us. That is why the standard requires all employers **(except small organizations)** to develop a process that supports employees who have been absent due to a disability and require disability-related accommodations when they return to work.

The return to work process must:

- Be documented and outline the steps that will be taken to facilitate an employee's return to work.
- Use documented individual accommodation plans.

The return to work process does not replace or override any other return to work processes created under any other law.

## **Compliance Deadlines for the Employment Standard**

The deadlines for these requirements are not staggered. Your organization will have to meet them all by a certain date, based on your organization's type and size.

The exception to this is the deadline for the workplace emergency response information, which is January 1, 2012 for all organizations.

### **When do you need to comply?**

The deadline for your organization to meet the requirements of the standard:

- Government of Ontario and Legislative Assembly must comply by January 1, 2013
- Large designated public sector organizations must comply by January 1, 2014
- Small designated public sector organizations must comply by January 1, 2015
- Large organizations with 50 or more employees must comply by January 1, 2016
- Small organizations with 1 to 49 employees must comply by January 1, 2017

For a description of how organizations are classified under the regulation, please refer to the Organizational Classification Chart in the Training Resources section of the AccessForward website.

## Summary

You have now completed the Employment Standard module.

### Module Topics

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