



Integrated Accessibility Standards Regulation Guidelines

July 2012

Part 3 – Employment Standard



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Part 3 – Employment Standard

Overview

The Employment Standard, under the Integrated Accessibility Standards Regulation, requires employers to provide for accessibility across all stages of the employment life cycle.

By pro-actively removing barriers across the employment life cycle, employers can help to create workplaces that are accessible and which allow employees to reach their full potential.

The Employment Standard applies to paid employees. This includes, but is not limited to, full-time, part-time, paid apprenticeships and seasonal employment. As good business practice, employers may apply the Standard to unpaid staff, volunteers and other forms of unpaid work.

The Employment Standard is a framework for integrating accessibility into regular workplace processes.

Accessibility benefits everyone. Accessible employment processes mean that employers can access an untapped pool of talent. By providing accessible opportunities in the labour market, Ontario's employment income may increase by \$618 million.

Ontario Human Rights Code

The [Ontario Human Rights Code](#) requires organizations to accommodate people with disabilities to the point of undue hardship.

The Integrated Accessibility Standards Regulation does not replace or affect legal rights or obligations that arise under the Ontario Human Rights Code and other laws relating to the accommodation of people with disabilities. This means that the Ontario Human Rights Code or other applicable legislation may require additional accommodation measures that go beyond or are different from the standards established by the regulations of the AODA.

Requirements under the Employment Standard

The requirements covered in this section are:

- Recruitment, assessment and selection
- Accessible formats and communication supports for employees



- Workplace emergency response information
- Documented individual accommodation plans
- Return to work process
- Performance management
- Career development and advancement
- Redeployment



Section 20

Scope and Interpretation

Requirement as Stated in the Regulation

20(1) The standards set out in this Part apply to obligated organizations that are employers and,

- (a) apply in respect of employees; and
- (b) do not apply in respect of volunteers and other non-paid individuals. O. Reg. 191/11, s. 20 (1).

(2) In this Part, a reference to an employer is a reference to an obligated organization as an employer unless the context determines otherwise.

Intent of this Requirement

This section establishes that the requirements that employers have under the Employment Standard apply to paid employees.

Implementing the Requirement

The requirements that employers have under the Employment Standard apply to paid employees. This includes, but is not limited to, full-time, part-time, paid apprenticeships and seasonal employment.

As a good business practice, employers may apply the standard to unpaid staff and volunteers and other forms of unpaid work.

Section 21

Schedule

Requirement as Stated in the Regulation

21. Unless otherwise specified in a section, obligated organizations, as employers, shall meet the requirements set out in this Part in accordance with the following schedule:



1. For the Government of Ontario and the Legislative Assembly, January 1, 2013.
2. For large designated public sector organizations, January 1, 2014.
3. For small designated public sector organizations, January 1, 2015.
4. For large organizations, January 1, 2016.
5. For small organizations, January 1, 2017.

Intent of this Requirement

This section establishes the compliance timelines that employers must meet for the Employment Standard.

Implementing the Requirement

Employers must comply with the Employment Standard as follows:

Table 1 - When do Organizations have to comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

Please note that Section 27 of the Employment Standard, [Workplace Emergency Response Information](#), has a compliance date of January 1, 2012 for all obligated organizations.



In addition, some requirements do not apply to private and not-for-profit employers with 1-49 employees. These exemptions are noted in the relevant section of the Employment Standard.

Employers should determine the type of organization they are, the requirements they must meet and the associated compliance timelines.



Section 22

Recruitment General

Requirement as Stated in the Regulation

22. Every employer shall notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes.

Intent of this Requirement

The intent of this requirement is that all employers will notify internal and external job applicants that, where needed, accommodations for disabilities will be provided, on request, to support their participation in all aspects of the recruitment process.

Table 2 - When do Organizations have to Comply

Affected Organizations	Compliance Date
Government of Ontario and the Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

Employers are required to notify their employees and the public about the availability of accommodations for disabilities, where needed, to support their participation in recruitment processes.

By notifying potential internal or external applicants about the availability of



accommodations, employers invite individuals with disabilities to participate in recruitment processes.

Employers, however, have the flexibility to consider their existing recruitment processes in determining how they provide notification.

For example, employers could use their websites or their job postings to notify potential applicants about the availability of recruitment-related accommodations for disabilities.



Section 23

Recruitment, Assessment Or Selection Process

Requirement as Stated in the Regulation

23.(1) During a recruitment process, an employer shall notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to the materials or processes to be used.

(2) If a selected applicant requests an accommodation, the employer shall consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

Intent of this Requirement

The intent of this requirement is that all employers will notify job applicants who have been invited to participate in a recruitment, assessment or selection process that, where needed, accommodations for disabilities are available, on request, to support their participation in the process.

In addition, employers are required to consult with job applicants who request accommodations to support them during the process.

Table 3 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017



This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

Employers are required to notify applicants who have been selected to participate in a recruitment, assessment or selection process that, where needed, recruitment-related accommodations for disabilities are available on request.

This requirement builds upon [Section 22, “Recruitment General”](#), by requiring employers to notify all selected applicants about the availability of recruitment-related accommodations.

This requirement recognizes that recruitment practices vary from employer to employer and could include interviews, presentations, written assignments and competency assessments.

Employers may consider their existing recruitment policies and practices when deciding how they will notify the applicants selected for assessment.

For example, employers could notify applicants through a variety of means such as calling them on the telephone, speaking to them in person, writing them a letter or sending them an email.

If an applicant with a disability requests accommodations during the recruitment process, employers must provide or arrange for suitable accommodations.

Providing suitable accommodations means that an employer consults with an applicant with a disability to understand and take into account the individual’s needs so that the accommodations that are provided are effective.



Section 24

Notice to Successful Applicants

Requirement as Stated in the Regulation

24. Every employer shall, when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.

Intent of this Requirement

The intent of this requirement is that all employers will notify successful applicants of their policies for accommodating employees with disabilities when offering employment.

Table 4 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

When employers make offers of employment, they must notify the successful applicants of their policies for accommodating employees with disabilities.

Employers have the flexibility to determine how they will notify successful applicants of their policies for accommodating employees with disabilities.



For example, employers could notify applicants through a variety of means such as calling them on the telephone, speaking to them in person, sending them an email or including it in the offer letter.

This requirement applies to all successful applicants. Its purpose is to make sure that they know the employer's accommodation policies when making career decisions.



Section 25

Informing Employees of Supports

Requirement as Stated in the Regulation

25.(1) Every employer shall inform its employees of its policies used to support its employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

(2) Employers shall provide the information required under this section to new employees as soon as practicable after they begin their employment.

(3) Employers shall provide updated information to its employees whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

Intent of this Requirement

The intent of this requirement is that all employers will inform new and existing employees of their policies for supporting employees with disabilities, including providing employment-related accommodations for disabilities.

Table 5 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and the Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

This requirement applies to all employers in Ontario with one or more employees.



Implementing the Requirement

Employers are required to inform all employees of their policies for supporting employees with disabilities. This includes their policies on providing employment-related accommodations that take into account the accessibility needs of employees with disabilities.

Employers have the flexibility to inform employees about their policies in a way that best fits their existing organizational culture and business practices. Many employers may already have processes in place to provide information to their employees including the following:

- newsletters
- emails
- staff memos
- websites
- staff meetings.

Employers are required to inform their employees of their policies for supporting employees with disabilities as soon as is practicable after they begin their employment, or as this requirement comes into effect.

In addition, employers must inform their employees whenever there is a change to their policies for supporting employees with disabilities.

It is important for employees to be kept up-to-date and aware of their employer's policies because individuals can acquire disabilities at any point in their lives, which may require employment-related accommodations.



Section 26

Accessible Formats and Communication Supports For Employees

Requirement as Stated in the Regulation

26.1 In addition to its obligations under section 12, where an employee with a disability so requests it, every employer shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for,

- (a) information that is needed in order to perform the employee's job; and
- (b) information that is generally available to employees in the workplace. O. Reg. 191/11, s. 26 (1).

2. The employer shall consult with the employee making the request in determining the suitability of an accessible format or communication support.

Intent of this Requirement

The intent of this requirement is that all employers will consult with their employees who have disabilities in order to provide them with the accessible formats and communications supports they require to do their jobs effectively and to be informed of information that is generally available to all employees in that workplace.

Table 6 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017



This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

On request, employers are required to consult with employees with disabilities to determine which accessible formats or communications supports they require. Not all accessible formats or communications supports are helpful to all persons who have disabilities. The accommodation need is as individual as the person is.

Once the employer and employee have determined what the needs are, then the organization must work out how to accommodate the person.

This requirement gives the employer the flexibility to decide on the most appropriate accessible formats or communications supports for the employee. That will depend on the needs of the employee with the disability and the capacity of the employer to provide the support.

For more information on accessible formats and communications supports, please go to the [glossary](#), which gives a general description. For more detailed information, go to Information and Communication Standard, [Section 12, “Accessible Formats and Communications Supports”](#).

Workplace Information

This requirement applies to information that employees with disabilities need to perform their jobs effectively. For example, managers usually need to have a good working knowledge of their organizations’ human resources policies to hire, train and support staff.

The requirement also applies to information that is generally available in a workplace such as company newsletters, bulletins about company policies and fact sheets on health and safety information for workers. These may be provided in a variety of formats including the following:

- print
- email
- website
- staff notice boards
- verbally

Documenting Accessible Formats and Communications Supports

If an employee has an individual accommodation plan, then the accessible formats and/or communications supports that will be provided to the employee should be included in the plan.



For more information on individual accommodation plans, please go to Employment Standard, [Section 28, “Documented Individual Accommodation Plans”](#).



Section 27

Workplace Emergency Response Information

Requirement as Stated in the Regulation

27.(1) Every employer shall provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.

(2) If an employee who receives individualized workplace emergency response information requires assistance and with the employee's consent, the employer shall provide the workplace emergency response information to the person designated by the employer to provide assistance to the employee.

(3) Employers shall provide the information required under this section as soon as practicable after the employer becomes aware of the need for accommodation due to the employee's disability.

(4) Every employer shall review the individualized workplace emergency response information,

- (a) when the employee moves to a different location in the organization;
- (b) when the employee's overall accommodations needs or plans are reviewed; and
- (c) when the employer reviews its general emergency response policies.

Intent of this Requirement

The intent of this requirement is that all employers will prepare for the specific needs that employees with disabilities may have in emergency situations.

Table 7 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	



Affected Organizations	Compliance Dates
Designated public sector organizations with 50+ employees	January 1, 2012
Designated public sector organizations with 1-49 employees	
Private and not-for-profit organizations with 50+ employees	
Private and not-for-profit organizations with 1-49 employees	

This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

Employers are required to prepare for emergency situations by providing employees with disabilities with individualized workplace emergency response information. This will help employees with disabilities, and the employers that they work for, to prepare for a range of potential emergencies including, but not limited to, the following:

- fire
- power outages
- severe weather
- natural disasters
- security incidents

When to Provide Individual Workplace Emergency Response Information

Employers are required to provide individualized workplace emergency response information under the following conditions.

- When the employee's disability is such that the information is necessary; and
- The employer is aware of the need for accommodation because of the employee's disability.

There are several ways that an employer may be made aware of the need to provide individualized workplace emergency response information:



- A new employee may have requested accommodations during the recruitment process. For example, an applicant with a learning disability, such as dyslexia, who requires more time to read interview questions.
- Existing employees tell their employers that they have a disability. For example, an existing employee who develops vision loss and requests screen reader software for his/her computer.
- An existing employee who develops a temporary disability such as a broken leg.

Employers are not expected to provide individualized workplace emergency information for employees with disabilities of which they are unaware.

In most cases, employees with disabilities will tell their employers that they have a disability that requires accommodation. However, there may be other times where an employer may initiate a dialogue to offer assistance and accommodation to an employee who is clearly unwell or perceived to have a disability.

Developing Individual Workplace Emergency Response Information

It is important that employers recognize how an individual's disability, as well as the physical nature of the workplace, may create unique challenges in emergency situations. For example:

- An employee who has a hearing disability may not hear an alarm and may need to be notified by other means, such as a visual alarm with flashing lights.
- An employee with a visual disability may be unable to identify the escape routes, or obstructions to the escape routes.

For these reasons and others, employers should consult with employees who have disabilities, so that the individualized workplace emergency response information meets the employees' needs.

When an Employee Needs Assistance

Employees with disabilities may require assistance when evacuating the workplace in emergencies.

In these cases, and with the employees consent, the employer is required to provide the employees' individualized workplace emergency response information to the designated individual(s).

Employers, however, need to respect their employees' privacy. For co-workers to provide assistance, they do not need to know the details of the employees'



disabilities.

For example, an employee with limited mobility may need assistance walking down stairs. The person designated to help only needs to know the individual requires help walking down stairs. In other words, it is important to not include personal medical information in the individualized workplace emergency response information.

Reviewing Individualized Workplace Emergency Response Information

Employers are required to review the individualized workplace emergency response information to make sure it remains effective and up-to-date.

Employers must review this information under the following circumstances:

- When the employee moves to a different physical location in the organization.
- When the employee's overall accommodation needs or plans are reviewed.
- When the employer reviews its general emergency response policies.

Employers may choose to review the information at other times. For instance, an employer may review the individualized workplace emergency response information if the existing response information was put to the test during an evacuation drill or a real emergency.

Documenting Individualized Workplace Emergency Response Information

If an employee has an individual accommodation plan, then the individualized workplace emergency response information provided to the employee should be included in the plan.

For more information on individual accommodation plans, please go to Employment Standard, [Section 28 "Documented Individual Accommodation Plans"](#).



Section 28

Documented Individual Accommodation Plans

Requirement as Stated in the Regulation

28.(1) Employers, other than employers that are small organizations, shall develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.

(2) The process for the development of documented individual accommodation plans shall include the following elements:

1. The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan.
2. The means by which the employee is assessed on an individual basis.
3. The manner in which the employer can request an evaluation by an outside medical or other expert, at the employer's expense, to determine if and how accommodation can be achieved.
4. The manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent, or other representative from the workplace, where the employee is not represented by a bargaining agent, in the development of the accommodation plan.
5. The steps taken to protect the privacy of the employee's personal information.
6. The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done.
7. If an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee.
8. The means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.

(3) Individual accommodation plans shall,



- (a) if requested, include any information regarding accessible formats and communications supports provided, as described in section 26;
- (b) if required, include individualized workplace emergency response information, as described in section 27; and
- (c) identify any other accommodation that is to be provided.

Intent of this Requirement

The intent of this requirement is that employers will develop written individual accommodation plans for employees with disabilities.

Table 8 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016

This requirement applies to employers, except small private and not-for-profit employers with 1-49 employees.

Small private and not-for-profit employers are still required to accommodate the needs of employees with disabilities, to the point of undue hardship, under the Ontario Human Rights Code.

Implementing the Requirement

Under the Ontario Human Rights Code, employers are already required to accommodate the needs of employees with disabilities to the point of undue hardship. As a result, many employers may already have similar processes in place and can build on them to meet this requirement.



More information on accommodating employees with disabilities under the Ontario Human Rights Code can be found at:
<http://www.ohrc.on.ca/en/issues/employment>

Under the Employment Standard, obligated employers are required to develop individual accommodation plans for employees with disabilities of which they have been made aware. In most cases, employees with disabilities will tell their employers that they have a disability that requires accommodation. However, there may be other times where an employer may initiate a dialogue to offer assistance and accommodation to an employee who is clearly unwell or perceived to have a disability.

Individual accommodation plans are a formal way of recording and reviewing the workplace-related accommodations that an employer will provide to an employee with a disability. Accommodation plans are living documents. They are reviewed and updated so that they remain effective and up-to-date.

This section requires obligated employers to develop a process to determine and document the accommodation needs of employees with disabilities.

By establishing a process for developing individual accommodation plans, employers should have in place a clear and consistent approach for accommodating employees with disabilities within their organization.

Under this requirement, employers have the flexibility to work with the employees in order for the employer to find appropriate accommodations.

Developing Individual Accommodation Plans

There are several steps to take when developing individual accommodation plans. These are a few of the key points to consider when developing them.

- How employees with disabilities can be involved in the development process of their plans
- How employers can seek outside medical or other expert evaluation so that they can provide effective supports
- What steps employers will take to protect the privacy of personal information
- How frequently individual accommodation plans will be reviewed and updated, and how this will be done

Important – Employers must remember that the information they collect to develop individual accommodation plans is private.



Why Reviews are Required

Reviewing individual accommodation plans will allow employers to consider what adjustments, if any, to the plans are required when changes occur. These changes could include the following:

- An employee changes jobs within the organization
- An employee's needs for accommodation change because of a recurring or sporadic illness
- An employer's policies and practices change

Additional Information for Individual Accommodation Plans

If applicable, individual accommodation plans must also include the employee's workplace emergency response information and the accessible formats and communications supports that the employee requires. The plans must also include any other accommodations that the employee needs to do their job.

For more information on accessible formats or communications supports, please go to the [glossary](#), which gives a general description. For more detailed information, Information and Communication Standard, [Section 12, "Accessible Formats and Communications Supports"](#).

For more information on workplace emergency response information, please go to Employment Standard, [Section 27, "Workplace Emergency Response Information"](#).



Section 29

Return to Work Process

Requirement as Stated in the Regulation

- 29.(1) Every employer, other than an employer that is a small organization,
- (a) shall develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work; and
 - (b) shall document the process.
- (2) The return to work process shall,
- (a) outline the steps the employer will take to facilitate the return to work of employees who were absent because their disability required them to be away from work; and
 - (b) use individual documented accommodation plans, as described in section 28, as part of the process.
- (3) The return to work process referenced in this section does not replace or override any other return to work process created by or under any other statute.

Intent of this Requirement

The intent of this requirement is that employers will have in place a documented process for supporting employees who return to work after being away for reasons related to their disabilities.

If an individual's illness or injury is covered by the return to work provisions of the Workplace Safety and Insurance Act, then that Act's return to work process would apply.

Table 9 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013



Affected Organizations	Compliance Dates
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016

This requirement applies to all employers in Ontario, except small private and not-for-profit employers with 1-49 employees.

Small private and not-for-profit employers are still required to accommodate the needs of employees with disabilities, to the point of undue hardship, under the Ontario Human Rights Code.

Implementing the Requirement

Employers are required to develop return to work processes that document the steps they will take to help employees to return to work when:

- they have been absent because of their disability; and
- they need some form of disability-related accommodation to return to work.

Return to work processes may be appropriate for employees who have permanent, recurring or temporary disabilities. For example, return to work accommodations may be appropriate when an employee:

- has a broken leg as a result a recreational accident
- is undergoing treatment such a chemotherapy or radiation therapy
- has episodes of mental illness
- has a disease that results in an evolving or worsening disability, such as multiple sclerosis

It is important is to determine whether some form of employment-related accommodation is required to allow the employee to effectively return to work.

Obligated employers are required to document their return-to-work processes so that they become part of their business practices and are applied consistently.

Employers have the flexibility to create return to work processes that best fit their existing organizational culture and business practices. For instance, some



employers may already have return to work policies in place, which may meet this requirement or can be built upon to meet this requirement.

If an employee requires disability-related accommodation to effectively return to work, employers must develop an individual accommodation plan for that employee.

For more information on individual accommodation plans, please go to Employment Standard, [Section 28, “Documented Individual Accommodation Plans”](#).



Section 30

Performance Management

Requirement as Stated in the Regulation

30.(1) An employer that uses performance management in respect of its employees shall take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using its performance management process in respect of employees with disabilities.

(2) In this section, “performance management” means activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success.

Intent of this Requirement

The intent of this requirement is that all employers that use performance management processes will take into account the accessibility needs of employees with disabilities.

Table 10 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

This requirement applies to employers with one or more employees that have performance management processes in place.



Implementing the Requirement

Employers that have performance management processes in place are required to consider the accessibility needs of employees with disabilities in these processes.

Performance management processes may be informal or formal and will vary from employer to employer. For instance, small employers may engage in informal conversations with employees about their performance on the job. Larger employers, however, may have human resource departments that develop and oversee formal performance management processes.

There are many ways in which employers can take into account the accessibility needs of employees with disabilities in their performance management processes. For example, employers can:

- Review an employee's individual accommodation plan to understand the employee's accommodation needs and determine whether it needs adjusting to improve his or her performance on the job.
- Have documents related to performance management, such as performance plans, available in accessible formats, such as large print for individuals with low vision.
- Provide informal and formal coaching and feedback in a manner that takes into account an employee's disability, such as using plain language for an individual with a learning disability.

What is Performance Management?

Many employers have annual performance reviews or other performance management processes, which can result in an employee's responsibilities changing. If the employee has a disability, then the employer must revisit the employee's individual accommodation plan to see if any adjustments are required.

For more information on individual accommodation plans, please see, Employment Standard, [Section 28, "Documented Individual Accommodation Plans"](#).



Section 31

Career Development and Advancement

Requirement as Stated in the Regulation

31.(1) An employer that provides career development and advancement to its employees shall take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans, when providing career development and advancement to its employees with disabilities.

(2) In this section, “career development and advancement” includes providing additional responsibilities within an employee’s current position and the movement of an employee from one job to another in an organization that may be higher in pay, provide greater responsibility or be at a higher level in the organization or any combination of them and, for both additional responsibilities and employee movement, is usually based on merit or seniority, or a combination of them.

Intent of this Requirement

The intent of this requirement is that employers that provide career development and advancement opportunities will take into account the accessibility needs of their employees who have disabilities. This may provide employees with disabilities with the opportunities to advance within their organizations.

Table 11 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designate public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017



This requirement applies to all employers with one or more employees that provide career development and advancement to their employees.

Implementing the Requirement

Although an employee with a disability may be accommodated to perform a specific role, the employer may have other opportunities for which the employee may be well-suited.

When providing career development and advancement opportunities, employers are required to take into account what accommodations employees with disabilities may need to succeed elsewhere in their organizations or to take on new responsibilities in their current position.

For example, an employee may receive a promotion, which includes new responsibilities. In this case, the employer and employee may review the individual accommodation plan to learn what adjustments may be needed for the new responsibilities.

Career Development and Advancement and Individual Accommodation Plans

When employers provide career development and advancement opportunities to their employees, they must take into account the individual accommodation plans that are in place for their employees with disabilities.

For more information on individual accommodation plans, please see, Employment Standard, [Section 28, “Documented Individual Accommodation Plans”](#).



Section 32

Redeployment

Requirement as Stated in the Regulation

32.(1) An employer that uses redeployment shall take into account the accessibility needs of its employees with disabilities, as well as individual accommodation plans, when redeploying employees with disabilities.

(2) In this section, “redeployment” means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

Intent of this Requirement

The intent of this requirement is that all employers that use redeployment processes will consider the accessibility needs of employees with disabilities when moving them to other positions, so that employees can continue to have their accommodation needs met.

Table 12 - When do Organizations have to Comply

Affected Organizations	Compliance Dates
Government of Ontario and Legislative Assembly	January 1, 2013
Designated public sector organizations with 50+ employees	January 1, 2014
Designated public sector organizations with 1-49 employees	January 1, 2015
Private and not-for-profit organizations with 50+ employees	January 1, 2016
Private and not-for-profit organizations with 1-49 employees	January 1, 2017

This requirement applies to all employers in Ontario with one or more employees.

Implementing the Requirement

Employers that use redeployment are required to take into account the accessibility needs of employees with disabilities. This includes reviewing



individual accommodation plans when moving employees with disabilities to other jobs within their organizations.

Large employers that have restructured, downsized or merged with other employers often redeploy their employees to other jobs. Many of these employers have redeployment policies in place and human resources departments to oversee them.

The regulation does not require employers to create new processes for redeployment. It does require employers that redeploy employees to consider the accessibility needs of individuals with disabilities and, if required, adjust their supports to fit their new roles.

By considering the accessibility needs of individuals with disabilities when redeploying employees, employers may help these employees continue to contribute effectively.

For example, if an employee with a disability has a modified cubicle or special software on their computer, then these accommodations may follow the employee to the new position or are reassessed to determine if they still meet the employee's disability-related needs.

Redeployment and Individual Accommodation Plans

When organizations redeploy employees, they must take into account the individual accommodation plans that are in place for their employees with disabilities, they should refer to their Individual Accommodation Plans and determine what modifications may be needed to accommodate them in their new jobs.

For more information on individual accommodation plans, please see, Employment Standard, [Section 28, "Documented Individual Accommodation Plans"](#).