

REMINDER: NEW RECRUITMENT, SELECTION AND HIRING OBLIGATIONS UNDER AODA IN EFFECT

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In a [recent bulletin](#), we notified non-profit and private employers with 50 or more employees in Ontario of their obligations under the Employment Standard to the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), which took effect on January 1, 2016. Amongst these changes is a specific requirement to notify new employees of accommodation policies in all job offers.

The Employment Standard aims to make accessibility a regular part of human resources practices, including during the recruitment, selection and hiring processes. With the New Year deadline in the not so distant past, employers who have yet to incorporate the new accessibility requirements into their recruitment, selection, and hiring processes should do so immediately.

Basic Obligations

As of January 1, 2016, non-profits and private sector companies with 50 or more employees have the following obligations during the recruitment, selection and hiring processes under the AODA:

1. **Recruitment:** Notify job applicants that the employer has an accommodation policy and that the employer will provide accommodation to job applicants with disabilities during the hiring process. Employers should consider including a statement to this effect in all job postings and on their websites. Employers can also notify job applicants directly by email, in-person, or by phone.
2. **Selection:** When you invite a job applicant to participate in the selection process or to attend an interview, notify the candidate that accommodation for job applicants with disabilities during the assessment process is available upon request. If a job applicant requests accommodation, consult with the job applicant on how to best meet their individual needs..
3. **Hiring:** In all offers of employment, employers must include a notice about its policies for accommodating employees with disabilities.

Deadlines

Ontario non-profits and private sector companies with 1-49 employees are allowed an extra year, until January

1, 2017, to meet the above-stated requirements. Different deadlines (which have already passed) apply to public sector organizations in Ontario (government agencies, hospitals, municipalities, colleges and universities). All public and private sector organizations in Ontario that have not yet incorporated the new accessibility requirements into their recruitment, selection, and hiring processes should do so immediately. In particular, all employers in Ontario should review their standard form offer letters and make any amendments necessary to comply with the new AODA requirements.

Contact McMillan LLP's Labour and Employment lawyers for advice related to the implementation of these requirements and other requirements pursuant to the AODA.

by Stefanie Di Francesco

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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