

NEW ACCESSIBILITY REQUIREMENTS FAST APPROACHING UNDER AODA

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Ontario employers take note: compliance deadlines for two significant requirements under the *Accessibility for Ontarians with Disabilities Act* (AODA) are just three months away.

Internet Websites & Web Content

By January 1, 2021, all designated public sector organizations and private/non-profit organizations with 50 or more employees in Ontario must ensure that all internet websites and web content conform with the Web Content Accessibility Guidelines (WCAG) 2.0, Level AA, other than:

- success criteria 1.2.4 Captions (Live); and
- success criteria 1.2.5 Audio Descriptions (Pre-recorded).

“Internet website” is defined in the AODA as a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public. “Web content” includes documents such as Word and PDFs.

Except where meeting the WCAG requirements is “not practicable”, the requirements apply to:

- internet websites and web content, including web-based applications, that an organization controls directly or through a contractual relationship that allows for modification of the product; and
- web content published on an internet website after January 1, 2012.

There are no reported decisions interpreting the “not practicable” exemption; however, Accessibility Ontario (a training and development organization that helps businesses in Ontario understand and comply with the AODA) has provided its non-binding view that factors relevant to practicability may include:

- availability of accessible goods, services or facilities; or
- technological compatibility between older products and newer ones being procured.

Private/non-profit organizations with less than 50 employees in Ontario are not required to meet this requirement.

Accessibility Compliance Report

By December 31, 2020, all designated public sector organizations and private/non-profit organizations with 20 or more employees in Ontario must file an accessibility compliance report.

The purpose of the report is to confirm for the Government of Ontario that your organization has met its current accessibility requirements under the AODA. It contains such questions as:

- Does your organization have written accessibility policies and a statement of commitment?
- Does your organization provide appropriate training on the *AODA Integrated Accessibility Standards Regulation* and the *Human Rights Code* as it pertains to people with disabilities?
- Does your organization have a process to provide accessible formats and communication supports to people with disabilities in a timely manner and at no extra cost?

Your organization can download and file the report [here](#).

Organizations that fail to meet their obligations in a timely manner could face monetary fines imposed by the Director of the Accessibility Directorate of Ontario. If you have any questions about the upcoming compliance deadlines, please do not hesitate to contact us.

by Paul Boshyk & Chiedza Museredza

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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