



May 22, 2009

Accessibility Directorate of Ontario
Outreach and Compliance Branch
Ministry of Community and Social Services
777 Bay Street, Suite 601
Toronto ON Canada
M7A 2J4

RE: Initial Proposed Employment Accessibility Standard

Dear Sir or Madam,

Thank you for the opportunity to comment on the Initial Employment Accessibility Standard being proposed by the Employment Accessibility Standards Development Committee. Conservation Ontario represents the common interests of Ontario's 36 Conservation Authorities. Conservation Authorities were created under the *Conservation Authorities Act* and are local, watershed management agencies that deliver services and programs that protect and manage water and other natural resources in partnership with government, landowners and other organizations.

Conservation Ontario applauds the goal of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) to make Ontario fully accessible by 2025 and supports the principle of the proposed Employment Accessibility Standard (Standard) to prevent and remove barriers for people with disabilities in the workplace throughout every step of employment.

The following comments are being submitted for your consideration based upon a review of the proposed Standard by Conservation Ontario and Conservation Authority (CA) staff, including the Greater Golden Horseshoe Conservation Authorities Human Resources Committee which is comprised of Human Resources staff from 11 CAs. The comments included here relate to concerns about the cumulative costs of implementing the proposed AODA standards; the need to streamline the standards; the need for support from the Province to implement this Standard; and, specific comments and suggestions related to this proposed Standard.

Concerns Regarding Cumulative Costs

Conservation Authorities are non-governmental public service organizations that are largely funded by their member municipalities. The substantial cost to come into compliance with the proposed AODA standards and regulations will be levied by CAs to their member municipalities. Each CA will have to prepare a detailed business case to request the funding required to come into compliance with the standards, and for the associated ongoing costs. According to the costing report prepared by Deloitte, organizations will not incur significant new costs to implement the proposed Employment Accessibility Standard, though there will be low ongoing annual costs to maintain the Standard. Costs associated with compliance with the other AODA proposed standards and regulations were excluded from the Deloitte cost impact assessment. Although that is not unexpected, Conservation Ontario questions whether an assessment of the cumulative costs of complying with these standards would illustrate that too

great a financial burden will be placed on organizations in the short implementation timeframes being proposed. The impact of these combined costs may be felt more acutely due to the current recession. Conservation Ontario wishes to express anxiety that the combined costs of complying with the proposed standards and regulations under the AODA may be such that organizations must eliminate jobs, which could result in a net loss in terms of employment in Ontario.

Conservation Ontario urges the Province to complete a cost impact assessment that addresses the cumulative impacts of coming into compliance with all the proposed standards within the timeframes that have been proposed. The financial burden of compliance will be eased considerably for CAs if the Province can provide a detailed cumulative cost impact assessment and sufficient time to prepare detailed business cases with which to levy our member municipalities. Following the completion of a cumulative cost impact assessment it is recommended that the Province revisit the timelines proposed in each standard and regulation, and consider how they could be phased in in such a way that the anticipated cumulative financial burden being placed on obligated organizations is alleviated. Extending the implementation timelines for the proposed standards does not have to preclude meeting the AODA's goal to achieve accessibility for persons with disabilities by 2025.

Streamlining the Standards

It is recommended that the Province consider how the proposed AODA could be streamlined. For example, Clauses 4.6 and 5.9 of this Standard state that, upon request, organizations are to make employment related information or communications available using formats or methods compliant with the Accessible Information and Communications Standard. Clause 3.4 (Employee training) makes reference to training "*as specified in the Customer Service standard...*". As so many linkages occur between the various proposed standards and regulations, Conservation Ontario suggests that the Province give consideration to how and when the standards should be implemented so implementation occurs in a way that addresses these interdependencies.

Provincial Support Required

Clause 3.3 (Accessible employment policy statement) of the proposed Standard includes a comment from the Employment Accessibility Standards Development Committee (Committee) that states it encourages the Government to provide obligated organizations with materials or tools to support implementation. One of the key assumptions made by Deloitte in their cost impact assessment was that "*Smaller organizations will likely need greater support from the Government of Ontario to comply with the Standard given their limited in-house human resources expertise.*"

The majority of CAs in Ontario would be considered smaller organizations (i.e. they have less than 100 staff). To facilitate the implementation of the proposed standards by obligated organizations, and particularly smaller organizations such as CAs that have limited capacity to self-generate additional revenues, Conservation Ontario would like to echo the Committee's comments in urging the Province to ensure that appropriate guidance, tools and training are provided.

Specific Comments

- It is recommended that policies regarding enforcement of the Standard be outlined in this document in order to provide employers with a full understanding of the fines and penalties they could face for non-compliance.
- It is unclear what the process would be for making a complaint against an organization that fails to comply with the proposed Standard. It is suggested that the Standard include information regarding how concerns or complaints can be raised and what the timeline will be for addressing them.

- Regarding Clause 3.4 (Employee Training), part c) (“*how to support disability disclosure*”), the Standard is unclear as to how organizations should support disability disclosure while maintaining employee confidentiality. Additionally, “*support disability disclosure*” suggests that employees will be encouraged to provide a diagnosis versus a prognosis. Employers require further clarification about what disclosure support entails.
- Regarding Clause 5.1 (Providing individual accommodation plans for employees):
 - The third paragraph of this clause states: “*Organizations shall develop, adopt, document and maintain a procedure for resolving disputes related to individual accommodation plans.*” It is recommended that an appeal process be added to the Standard to ensure that a person with accessibility needs has an opportunity to appeal should they disagree with their accommodation plan.
 - In response to the Committee’s question of “*Should the clause detail components of the individual accommodation procedure or plan?*”, Conservation Ontario feels that the need to accommodate is already addressed through the Ontario Human Rights Code, thereby eliminating the need to be further specified in the Standard.
- Regarding Clause 6.0 (Indicators of progress), the Committee states that it “*welcomes comment on whether the clause should prescribe specific indicators of progress or if it should remain non-prescriptive and flexible.*” It is recommended that the Standard prescribe clear indicators of progress, and that progress under the AODA be clearly defined. The Committee is also asked to provide more information around how organizations would be expected to collect data that measures performance against the selected indicators. It is also suggested that this clause clearly state whether employers would be required to submit annual reports and be subject to an audit.

The next line of the Committee’s comments states: “*If the clause remains non-prescriptive, the Committee encourages the Government to consider providing guidance or tools to support implementation.*” As previously stated, Conservation Ontario urges the Province to supply organizations with guidance and tools to support the implementation of the proposed Standard. In part, the provision of guidance and tools would be valuable to ensure that the Standard was not left to subjective interpretation.

Thank you again for the opportunity to provide comments on the proposed Employment Accessibility Standard. Due to our unique funding structure, we are respectful of the positions of our member municipalities and we urge the Province to give any comments they may submit careful review and consideration.

If you have any questions or require additional information please contact myself at (905) 895-0716 ext. 231 or Natasha Leahy at ext. 228.

Sincerely,



Don Pearson
General Manager

c.c. All Conservation Authorities General Managers/CAOs
Greater Golden Horseshoe Human Resources Committee
Bonnie Fox, Conservation Ontario