

COMMUNIQUÉ for the Health Industry



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ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

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The *Accessibility for Ontarians with Disabilities Act, 2005*, Ontario's new accessibility legislation, received Royal Assent on June 13, 2005. The purpose of the legislation is to develop, implement, and enforce standards in order to achieve accessibility for all Ontarians. The standards are to establish measures, policies, practices or other requirements for the identification and removal of barriers to accessibility. The Act includes a 20 year timeframe for implementation, with improvements to be introduced in 5 year stages.

What is the role of Standards Development Committees?

The process for developing accessibility standards will involve multi-stakeholder committees, known as Standards Development Committees, for various sectors or industries, including the health sector, to determine long-term accessibility objectives as well as five-year targets for achieving them. Each committee is responsible for taking into account economic and other considerations for the industry it covers, defining who should be covered by the standards, and considering public input.

Standards are to cover both visible and invisible disabilities. Some general examples of standards may include accessible pedestrian routes and entrances into buildings, lower counter heights to accommodate wheelchairs, and staff training in serving persons with disabilities.

Committees will consist of members of the disability community, business and public sector representatives, and government. Committees will submit proposed standards to the government for approval as regulations.

Once the standards are developed they will be submitted to the Minister of Citizenship and Immigration and circulated for public consultation for 45 days. The Standards Development Committee may then amend the proposed standards and send them back to the Minister. The Minister will have 45 to decide whether the standards will become regulations.

What are the enforcement procedures?

Standards will include timelines for compliance. Once the standards are in place, they will be mandatory and the legislation provides for tough penalties for violators. The enforcement process builds on existing inspection and tribunal systems, and enables the government to appoint additional inspectors and designate more than one tribunal.

What is the Accessibility Standards Advisory Council?

The Act requires that the Minister of Citizenship and Immigration establish the Accessibility Standards Advisory Council which will advise the Minister on the progress made by Standards Development Committees. The majority of the members of this new body will be persons with disabilities. All appointments will be for two or three year renewable terms.

Where are we in the process?

The Ontario government is at a very early stage in the process of implementing this Act. At present, appointments to Standards Developments Committees have not commenced, but they are likely to begin in the coming weeks. Until the new standards under the *Accessibility for Ontarians with Disabilities Act, 2005* are introduced as regulations, the *Ontarians with Disabilities Act, 2001* remains in effect. When new standards are in place, the older legislation will be repealed. The *Accessibility for Ontarians with Disabilities Act, 2005* is more expansive legislation, as it covers organizations in private as well as public sectors.

Please contact Kathryn Frelick or Jennifer White for more information about this legislation and how your organization can comply with its obligations.

About the Authors:

Kathryn Frelick is a lawyer practising in our Health Industry Practice Group and supervises the Legal Retainer Program. Kathryn leads our regulatory practice and provides advice to clients in areas of privacy, administrative law, and health policy issues. Rebecca Cooper is an Articling Student with Miller Thomson LLP. She is interested in health law and health policy issues.

Our National Health Industry Practice Group is dedicated to providing comprehensive and integrated legal services to health industry clients. For more information about our group, visit our website at www.millerthomson.com or contact one of our regional contacts.

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