



Kit 3: Fears

Businesses can have hesitations about hiring persons with disabilities, yet there are many good reasons to have a more diversified staff team. The Uxbridge BIA is sharing information addressing the commonly held fears that businesses have about employing people with disabilities.

QUICK FACTS

- Of working-age Canadians with disabilities, 58% of the disabilities are classified as mild or moderate.
- 80% of workplace accommodations cost less than \$500
- Employers accommodate employees for many reasons, the least being for a disability related issue.

TIPS

1. Empower yourself with knowledge on your business' requirements under the Accessibility for Ontarians with Disabilities Act (AODA), the Ontario Building Code, and the Ontario Human Rights Code. Need help? Accessibility Smart Businesses can help you do this! Check out [OBIAA's website](#) for more information and resources.
2. Even if you're not required under the AODA to file a compliance report, keep a record of the staff training you have done to meet your AODA requirements.
3. Don't leap to the conclusion that an accommodation request is too expensive or risky. Instead, begin an open dialogue with the person with the disability who is making the request and educate yourself on accommodation options. This will empower you to make the best decision for both your business and the employee with a disability.

FAQS

Who has to comply with the Accessibility for Ontarians with Disabilities Act (AODA)?

All organizations with 1 or more employee(s) must comply with the requirements under [the AODA](#). It applies to all organizations in the public and private sectors of Ontario, including all municipalities in the province as well as ministries and agencies of the Ontario government.

If I'm not 100% accessible, will I be penalized?

No business is 100% accessible – it's a journey. The key to avoiding a penalty is to understand your requirements under the AODA.

In some cases, you will need to work together with your staff and customers to provide accommodations, and in other cases you will need to ensure that you have met the AODA minimum requirements, including staff training and policy development. The government is doing regular audits and inspection but they will not issue a fine as the first step. Rather they will help you to become compliant by giving you information and resources. But don't wait to be audited! Get started on meeting your compliance requirements right away.

If you have questions about the AODA, call Service Ontario's helpdesk: 1-866-515-2025.

What are the penalties?

Monetary penalties can be issued by the Government of Ontario for non-compliance with the AODA and its standards. Penalty amounts range from \$200 to \$2,000 for individuals or non-incorporated organizations to \$500 to \$15,000 for corporations.

If a situation is escalated to a provincial court, fines can be issued by provincial courts for specific offences under the AODA.

Maximum fines for organizations found guilty of an offence are:

- \$100,000 for each day or part of a day for corporations
- \$50,000 for each day or part of a day for an individual or organizations that are not incorporated.

What are the legal repercussions if I fire or let go an employee with a disability if they don't work out?

According to the [Ontario Human Rights Code](#), an organization can stop employing someone with a disability if they cannot perform their essential duties even with accommodation, or if the accommodation could cause undue hardship. Undue hardship can include cost, health and safety requirements, etc. Employers need to be aware of employee needs and take steps to accommodate. Read more about your duty to accommodate on the [Ontario Human Rights website](#).

CASE STUDY

Joe runs a café on Main Street. All of the buildings on Main Street were built in the early 1900's, and Joe's café is in a heritage building, which he takes great pride in. However, Joe recently heard some customers talking about the AODA and the penalties companies can face for non-compliance. He now finds himself worrying about the penalties he could face for having a business that is not accessible to someone in a wheelchair. As a renter, he cannot make major changes, nor does he as it would take away the charm of his café.

What complaints could be filed against the cafe? What penalties could Joe face? What could Joe do to accommodate patrons, service providers and potential employees with disabilities?