

Accessibility compliance and enforcement report 2017

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This report outlines the activities undertaken by the Accessibility Directorate of Ontario in 2017 to oversee compliance with the [Accessibility for Ontarians with Disabilities Act](#) and its accessibility standards.

Overseeing compliance

The Accessibility Directorate of Ontario continued its compliance efforts in the following key areas:

- [Building awareness](#)
 - Strategic marketing campaigns that remind organizations of their requirements.
- [Encouraging compliance](#)
 - Conducting education and outreach activities among the 400,000 obligated organizations across the province.
- [Verifying and enforcing compliance](#)
 - Completing compliance activities that help organizations understand and meet their requirements.
- [Compliance and enforcement going forward](#)
 - Identifying compliance goals for 2018 that will help support the directorate's mandate to oversee compliance and enforcement of the act and the accessibility standards.

Building awareness

Ontario's accessibility laws require organizations to file accessibility compliance reports to confirm that they have met their requirements. Organizations in all sectors (i.e. businesses/non-profits with 20 or more employees, all designated public sector organizations, as well as the Ontario Public Service/Ontario Legislative Assembly) were required to submit an accessibility compliance report by December 31, 2017. This marks the first time that both private and public sectors have been required to file reports in the same year.

During 2017, outreach and education efforts focused on reminding businesses and non-profits with 20 or more employees and all public sector organizations of the December 31, 2017 reporting deadline. Awareness was also raised among small businesses and non-profits about their January 2018 deadline to meet their accessibility requirements under the design of public spaces standards.

Encouraging compliance

In 2017, the directorate also focused on helping organizations to comply with their requirements under the act, and file their accessibility compliance reports by the December 31 deadline. In the Fall, a marketing campaign targeting businesses was launched in order to raise awareness about the reporting deadline. Advertisements on business-oriented websites encouraged organizations to visit the [government webpage](#)

[for information on submitting an accessibility compliance report](#). The campaign also included search engine marketing, as well as posts on social media channels such as Facebook and LinkedIn. The directorate also communicated to organizations by:

- Reminding businesses about the compliance reporting deadline:
 - sending over 37,000 reminder emails
 - mailing over 20,000 letters
 - making over 15,000 phone calls
- Delivering 37 webinars to all obligated sectors to provide additional information and answer questions about how to submit an accessibility compliance report
- Participating in over 90 events across the province such as community fairs, trade shows and business conferences
- Publishing regular newsletters reaching over 7,200 subscribers:
 - a quarterly edition about what's new in the directorate's work
 - a monthly bulletin that highlights helpful tools and tips to meet accessibility requirements

In 2017, the directorate continued to work with industry/trade organizations and professional associations to generate further outreach opportunities. Thirty-one organizations worked with the directorate to circulate reminder emails, articles and other notices in various trade publications and newsletters.

The directorate's dedicated help desks continued to provide assistance to the public by answering questions about the act and the accessibility standards. A large component of the assistance provided to organizations in 2017 pertained to filing accessibility compliance reports. The help desks are an important resource that thousands of organizations and individuals have used to increase their understanding of and compliance with Ontario's accessibility laws.

The directorate continued to expand its reach through the [EnAbling Change program](#) in 2017. This program funds projects with industry leaders to support organizations in their compliance with the act. Through EnAbling Change, organizations from a variety of sectors are empowered to become champions of accessibility. In 2017, the directorate worked with partners on projects that ranged from promoting the compliance reporting deadline and supporting employers to comply with the accessible [employment standards](#) to fostering a cultural shift to move Ontario organizations beyond the minimum requirements of the act.

An additional effort undertaken in 2017 to encourage compliance was the launch of a new, easier-to-submit accessibility compliance report. The new report form was made available to the public on March 20, 2017 and was promoted to organizations throughout

the year using the directorate's regular communication channels to encourage filing. The new reporting process reduced the administrative burden on businesses by decreasing the number of steps required to file a report, and making it a downloadable form that could be shared.

The new form includes links to resources to help organizations understand and report on their compliance requirements. Organizations are able to access the report directly from the Government of Ontario's Central Forms Repository or via a link on the updated [Accessibility Report](#) webpage.

Verifying and enforcing compliance

In addition to building awareness and helping organizations comply with the act, the directorate also verifies and enforces compliance to it. In 2017, 1,746 compliance activities were conducted. These activities included Phase 1 and Phase 2 audits, as well as enforcement activities conducted by an inspector. Phase 1 audits focus on an organization's requirement to submit a self-certified accessibility compliance report. Phase 2 audits focus on verifying compliance with other requirements beyond reporting.

Accessibility compliance reporting statistics for 2017

As 2017 was a reporting year for every sector, roughly 56,000 organizations were required to submit accessibility compliance reports. Over 24,000 reports were submitted from business/non-profit sector organizations by the December 31 deadline. This represents an increase of roughly 4,000 reports over the last reporting year in 2014. The increase aligns with the directorate's compliance and outreach efforts to work towards increasing reporting rates leading up to 2025.

The 2017 Accessibility Compliance Report questions asked organizations to confirm compliance with all provincial accessibility requirements. An encouraging sign is that 94% of the organizations that submitted an accessibility compliance report indicated that they are in full compliance with the act and its associated accessibility standards.

Among those that filed, the sectors that had the highest submission rates were:

- manufacturing (e.g. chemical, mechanical, electrical, food and beverage)
- retail trade
- accommodation and food services (e.g. hotels, restaurants)

The sectors that had the lowest submission rates were:

- management of companies and enterprises
- mining, quarrying and oil and gas extraction
- utilities (e.g. electric, gas and water)

In 2018, the directorate will also undertake compliance activities targeting business/non-profit organizations that missed the 2017 reporting deadline.

Eighty-six per cent (692) of the designated public sector organizations submitted their accessibility compliance report. Reports have been received from 100% of the Government and Legislative Assembly offices required to file, including the Ontario Public Service. The directorate will continue to work with the remaining designated public sector organizations until all have met their reporting requirement.

Phase 1 (P1) audits

The directorate applies an assistive, progressive approach to compliance and this framework is reflected in the audits that are conducted. Organizations are provided with tools and resources to help them understand and meet their requirements through one-on-one interactions.

Organizations can be selected for audit whether they submit a report or not, but P1 audits centre on helping the selected organization file a compliance report. The directorate works with the organizations to ensure they understand the requirements they are being asked about in the report and provides resources if needed. Only if organizations prove uncooperative or unwilling to file would they then be escalated for additional compliance assurance activities.

In 2017, 1,254 audits were closed at the P1 level without needing to be escalated.

In conducting the P1 activities, a number of compliance trends were observed in the accessibility compliance reports, including:

- 100% of organizations answered “yes” to providing emergency procedure or safety information to the public in an accessible format, when asked
- 99% indicated they provide tailored emergency response information for their employees who had disabilities, when asked
- 99% responded that they were compliant with all requirements of the Customer Service Standards

These compliance trends suggest that organizations are not only incorporating accessibility requirements into their general customer service, but into their health and safety practices as well.

Phase 2 (P2) audits

In 2017, 476 audits were closed at the P2 level. P2 audits are conducted to confirm compliance with accessibility requirements beyond the requirement to submit a compliance report. In 2017, organizations were audited on a variety of requirements across the accessibility standards. Not all organizations were audited on the same set of requirements.

As a modern regulator, the directorate applies a risk-based approach to regulatory oversight by focusing its compliance resources on both large and small high-risk organizations. The database considers a number of organizational factors, including

previous instances of non-compliance, when assessing the risk of an organization failing to comply with the act or its related standards.

In 2017, P2 audits focused on the accessible employment standards listed under the Integrated Accessibility Standards Regulation, targeting many of the new requirements that came into force in 2016 for large businesses and non-profit organizations, and in 2017 for small ones.

Among P2 audits conducted in 2017, compliance trends identified included:

- 93% of organizations audited demonstrated that they notify their employees and the public about the availability of accommodation for applicants with disabilities in their recruitment process
- 85% demonstrated that they provide individualized workplace emergency response information for employees with disabilities
- 84% demonstrated that they notify successful applicants when making offers of employment of their policies for accommodating employees with disabilities

These audits supported [Access Talent: Ontario's Employment Strategy for People with Disabilities](#) by reinforcing a foundation of accessibility in the employment and hiring practices of businesses in Ontario. The data collected was also used to help inform the legislative review of the accessible employment standards.

The number of audits, types of organizations and requirements reviewed vary from year to year. There are, however, four accessibility requirements that are verified year-over-year in order to identify long-term trends in compliance across all types of organizations. These requirements have been selected because they speak to the spirit of the act and are best suited to gauge the progress being made in establishing an accessible Ontario by 2025:

- Compliance in establishing **accessibility policies**, developing a **multi-year accessibility plan** and **training staff** suggests that an organization has a broad understanding of its requirements and what it means to provide goods, services or facilities in an accessible way
- Establishing a system for **receiving and responding to public feedback** related to accessibility reflects an organization's preparedness and willingness to improve accessibility to goods, services or facilities in Ontario

In 2016, a selection of small organizations from the **business/non-profit sector** was audited on three foundational requirements. Their rates of compliance were:

- develop accessibility policies: 64%
- provide accessibility training: 63%
- establish a method to receive and respond to public feedback on accessibility: 92%

In 2016, organizations from the **designated public sector** were audited on the foundational requirement to develop a multi-year accessibility plan. Their rate of compliance was 66%.

In 2017, a selection of large organizations from the **business/non-profit sector** was audited on three foundational requirements. Their rates of compliance were:

- provide accessibility training: 63%
- establish a method to receive and respond to public feedback on accessibility: 87%
- develop a multi-year accessibility plan: 67%

In 2017, organizations from the **designated public sector** were audited on the foundational requirement to develop accessibility policies. This marked the first year in which organizations from this sector were required to have accessibility policies in place that address each of the accessibility standards. In many cases, organizations audited on this requirement had policies in place that needed to be updated to include the requirements of standards that had only recently taken effect, which resulted in a 40% compliance rate overall.

In 2018, the directorate will work with organizations from the designated public sector to increase their rate of compliance with this requirement.

Compliance plans

When organizations selected for audit are found to be non-compliant, the directorate negotiates a compliance plan that outlines the steps the organizations must take, and the timelines for completion. In 2017, 9% (115) of the 1,254 P1 audits that were closed involved a negotiated compliance plan. Twenty-six per cent (125) of 476 P2 audits that were closed included a negotiated compliance plan.

Organizations selected for a P2 audit that are found to be non-compliant and that fail to implement the steps outlined in their compliance plan are referred to an inspector. An inspector gathers information from the organization for the purposes of recommending enforcement measures to a director. Enforcement measures established under the act include executing search warrants, issuing Director's Orders to comply, levying administrative monetary penalties and prosecution.

Of the 1,746 overall compliance activities that took place in 2017, 16 were closed by an inspector. Of those organizations:

- 10 were closed without requiring enforcement measures
- 6 Director's Orders were issued
- 3 of these orders contained a requirement to pay an administrative monetary penalty
- none of these orders were appealed

Targeted audit blitzes

Targeted audit blitzes are conducted each year to verify compliance with specific requirements in a particular sector. In 2017, the directorate met its goal of conducting two targeted audit blitzes. These included 149 organizations from the tourism sectors (arts/entertainment/food services) and 142 organizations from the manufacturing sector.

Tourism blitz

In anticipation of Ontario businesses experiencing an increase in tourism resulting from Canada's 150 anniversary activities, a review of the accessibility compliance in the arts/entertainment/food services sector was conducted. Organizations from these sectors contributed to the tourist experience and helped ensure that people of all abilities could participate in the province's celebrations.

This blitz focused on three customer service-related Integrated Accessibility Standards Regulation requirements and brought encouraging results.

Out of 149 organizations audited as part of this blitz:

- 91% indicated compliance with the requirement to establish a process for reviewing and responding to feedback and ensuring that the process was accessible to people with disabilities
- 70% indicated compliance with the requirement to provide staff with training on the accessibility standards and the Human Rights Code as it pertains to people with disabilities
- 92% indicated compliance with the requirement to provide service to people using a service animal and/or support person

Manufacturing sector blitz

A targeted blitz among organizations from the manufacturing sector was conducted in 2017. This sector was selected due to the concentration of organizations that have both a high number of employees and have been identified as higher risk of non-compliance with the act and the accessibility standards due to previous incidents of non-compliance.

This blitz focused on three of the requirements of the accessible employment standards, in order to help support a foundation of accessibility being established in the manufacturing sector's employment practices.

Out of 142 organizations audited as part of this blitz:

- 95% were found compliant with the requirement to notify their employees and the public about the availability of accommodation for applicants with disabilities in the staff recruitment process

- 87% were found compliant with the requirement to inform employees of their policies to support employees with disabilities
- 91% were found compliant with the requirement to provide individualized workplace emergency response information to employees who had a disability

Public feedback

The directorate continues to promote and monitor the single point of contact phone number that the public can use to receive information about the act, request compliance assistance and provide feedback or complaints related to the act. This feedback is recorded, and while the directorate does not specifically investigate individual complaints, the information is used to identify trends and inform official legislative reviews, as well as outreach and compliance activities. In 2017, 203 comments related to the act were received.

Out of these interactions the top three categories were:

- customer service
- design of public spaces
- employment

Pilot project to expand enforcement capacity

In 2017, the directorate explored options to expand our capacity to verify and enforce compliance with the act. The directorate is committed to building new and innovative ways to enhance our compliance and outreach activities among the more than 400,000 obligated organizations in Ontario. A service provider was successfully identified in 2017 that will provide support services in 2018 to help expand the directorate's compliance activities.

Compliance and enforcement going forward

Compliance activities conducted in 2017 show that organizations continue to embrace the message of accessibility. The activities continued a growth in awareness and willingness to comply with the act and the accessibility standards on the part of obligated organizations across the province.

Public education initiatives conducted in 2017 once again demonstrated that organizations benefit from practical and tailored information about accessibility compliance. The directorate will continue to provide this help to its stakeholders through:

- webinars
- regular monthly bulletins
- targeted partnerships to reach specific sectors

In 2018, compliance and enforcement activities will be conducted for the purposes of:

- increasing the rate of accessibility compliance report filing among organizations with 20 or more employees
- raising awareness among obligated organizations of their requirements under the act
- verifying compliance and conducting enforcement activities among a greater number of organizations

To achieve these goals, the directorate will:

- continue to promote the availability of free compliance resources
- increase its compliance efforts across public and private sectors
- work with a third-party service provider to expand compliance activities
- continue to audit the four foundational accessibility requirements in order to identify trends in compliance across all types of organizations

In publishing this Accessibility Compliance and Enforcement Report, the directorate is demonstrating its commitment to communicate the results of its efforts to increase compliance with the act and the provincial accessibility standards. If you have any questions about the details outlined in this report, please refer to the contact information link on this webpage to connect with compliance staff at the directorate who can assist you.

Organizations that are experiencing challenges complying with the act are reminded to visit Ontario.ca/Accessibility to find information on obligations, and access multiple tools and resources to help with compliance.

Thank you to the many thousands of organizations that have worked with the directorate to make accessibility part of their business practices. Please continue to spread the word to help reach the goal of an accessible Ontario by 2025.