



Ontario Catholic School
Trustees' Association



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

AND

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

JOINT RESPONSE TO

PROPOSED AODA STANDARD FOR EMPLOYMENT ACCESSIBILITY

The Ontario Public School Boards' Association and the Ontario Catholic School Trustees Association together represent 60 district school boards in Ontario and collectively provide services to close to two million students. Our Associations commend the Standards Development Committee responsible for the Proposed Employment Accessibility Standard for the scope and depth of their work. Clearly, implementation of all the measures proposed will result in comprehensive levels of accessibility throughout the employment life cycle for persons with disabilities who are job seekers and employees. As with all the proposed AODA Standards, the benefits are revealed in increased options for all Ontarians.

Readiness

Overall, implementation of this standard will increase the available pool of job opportunities for people with disabilities while offering employers access to a wider pool of skills and talents. The improvements in practice that will result will have the added benefit of enhancing inclusiveness in the workplace while increasing support for employees with disabilities in terms of their rights to access and accommodation. The standard will improve employment for people with disabilities by moving accommodation from a function that is completed within the employment relationship to one that reaches out and ensures opportunities for access prior to the employment relationship.

As a sector, school boards have been proactive in establishing policies and practices that support equity and inclusiveness in classrooms and workplaces. Many of the concepts in the proposed standard have been translated into action in school boards for many years through job accommodation procedures that facilitate early return to work for employees who have been injured on the job or who are returning from Long Term Disability. Commitment to equal opportunity in hiring has also been a longstanding feature of recruitment practices at boards.

The requirements of the proposed standard do, however, call for a level of analysis, documentation and modification of practices, particularly in the recruitment and hiring domain, that are not commonly or universally in place and will require time and resources to implement.

Challenges

While, as noted above, school boards have considerable experience with accommodations for existing employees, the expectations of the standard in Section 4 with regard to prospective employees will pose some challenges. The task of analyzing and documenting the essential duties of a vacant job in accordance with the definitions provided by the Standards Development Committee entail time and expertise and school boards will need to ensure they have the resources to comply. We expect that Regulations with regard to the Information and Communications Standard will clarify the requirement to have assessment and selection materials available in multiple formats, e.g., whether existing materials, or materials developed to support a particular recruitment process, must be produced in multiple formats or whether an applicant identifies to the employer their need for materials in a specific format. School boards will need time and support to meet this requirement.

There may also be an issue of training in terms of selection committees conducting their assessments in relation to the essential duties of the job only. Developing expertise in the recruitment process, as well, in fair and appropriate accommodation of disabilities that are less visible, such as cognitive or learning disabilities, will be challenging. In the initial stages, at least, of implementation of this requirement employers will have to provide for recruitment and hiring practices that entail a bigger time commitment than is currently the case.

In Sections 5.1 and 5.5 that deal with development of Individual Accommodation plans and Return to Work requirements respectively, it would be helpful to reference the role of unions in partnering with employers to meet these requirements. While obligations under the Ontario Human Rights Code supersede collective agreement provisions, there is an opportunity here within the Standard to reinforce the importance of promoting accessibility in employment for employees with disabilities.

Costing Information

Ensuring an Accessible Ontario by 2025 should not be hampered by an excessive focus on the costs of implementation. There should be, however, a recognition that there are costs that have to be factored in to the progress we as a society plan to make.

We find that the costing information provided by Deloitte to the Accessible Employment Standard Development Committee does not do this. There are too many exclusions from the costing and an unrealistic set of assumptions about the school board sector's ability to develop processes and implement them without incurring additional costs. While there are many aspects of the costing report that, we feel, underestimate the resources required, we would like to highlight a few points (page numbers reference the Deloitte report):

- Many costs are not a “shift in the deployment of resources” but will in fact be net new costs. (p.3)

- The report indicates that organizations, in accordance with leading practices, develop tailored policies, procedures and training that reflect their unique cultures and business models but goes on to say that, *for costing purposes*, it has been assumed that the Government of Ontario will be able to provide these resources, essentially “off-the-shelf”. (p.4) It has been our experience to date with the Customer Service Standard that even when templates are available, our school boards still need to adapt the resources for their environment and do so within their established policy development protocols. With regard to a standard that affects employment practices, there will be particular onus on working with unionized groups on the policies and procedures that will reflect the standard.
- The total estimate for implementation in the entire broader public sector is \$2,940,600 (p.5). Later in the Deloitte report it is identified that this is based on an assumption that it will take 16 days of the time of a Human Resources generalist to handle policy development, training, documentation of essential duties and development of indicators of progress. We would suggest that this is a very low estimate and that the assumption that a great deal of the work can be readily integrated into the work of existing staff is not realistic. Our member boards see that implementation will require more substantial time commitment and considerable administrative support.
- We note as well that the research conducted by the costing consultants points to the need for considerable work in the area of readiness for implementation, yet we do not see the implications of this fully borne out in the overall conclusions of the Deloitte report:

“However, the research, Readiness Assessment, and the follow up focus groups tell a different story about the current experience and practices related to accessibility and accommodation. For example:

- In general, over 50% of organizations reported not having a formal policy in place to ensure barrier-free recruitment and hiring (with the percentage for Class A and B being considerably higher).
- Organizations of all sizes are not proactive in reaching out to prospective job candidates with disabilities (most frequently reported as rarely or never - approximately 80% of respondents); the vast majority of respondents also indicated that they never include accommodation statements in their job advertisements (over 80%).
- Less than one-third of the participant organizations reported making job advertisements available in accessible formats, and 77% of organizations reported that they rarely or never ask potential candidates if accommodation is required for interviewing/testing.
- It is typically the case that larger organizations have better practices related to a broad range of human resource issues, and indeed, close to 80% of organizations in Class E reported having employee communications regarding accommodation; conversely Class B, Class C and Class D organizations reported at less than 50% (as low as 19%).
- According to the Readiness Assessment, the number of organizations that indicated that no one receives training on accessibility/ disability issues is 53% for Class A organizations, 81% for Class B, 41% for Class C and D and 27% for Class E organizations.
- When organizations were asked if they have policies/ guidelines/ practices that are communicated to all employees about accommodating the needs of employees with disabilities, 60% of Class A, 75% of Class B, 48% of Class C and D and 16% of Class E indicated that they do not currently have these policies/guidelines/practices in place.” (p.8)

Training and Orientation

Section 3.4 of the proposed standard indicates that “organizations shall provide disability awareness training as specified in the Customer Service standard for all employees.” It would be helpful if the language were modified to indicate that when an organization provides training in compliance with the Customer Service standard that the employer has also satisfied the “disability awareness” training provision of all other standards.

The more specific training stipulated in Section 3.4 represents a significant commitment:

- a) Accessible employment policies and procedures;
- b) What accommodations can be made
- c) How to support disability disclosure
- d) How to identify accommodations; and
- e) How to develop and individual accommodation plan.

This is training that is wholly necessary to support implementation of the standard. In the school board environment, this kind of training would extend beyond human resources staff to principals of schools and to administrative line managers or supervisors who are responsible for specific sites or areas of operation within the school board. Their understanding of these aspects of accessibility is essential to designing successful individual accommodation plans. The commitment involved is not reflected in the costing analysis available to the Standard Development Committee. In fact, the Deloitte report states: “Costing related to taking employees away from their regular job to complete necessary activities has not been factored in as the complexities of determining time costs, productivity lost, lost opportunity and compensation are too highly variable to provide an estimate, but should be considered.”

Clarification is needed in Section 5.2 dealing with orientation requirements. Does this have the implication of requiring all employers to have a formalized orientation program? With regard to the need to maintain documented employee orientation records, is this a record that a specific new employee received orientation on a particular date or is it a record that also details the content of the orientation?

Capacity to Implement Multiple Standards

The Standards Development process has moved along at an intensive rate. We appreciate that the vigour is a response, in great part, to the fact that Ontario, as a society today, could be further along the continuum to full accessibility. Many of the provisions of proposed standards – in Customer Service, Information and Communication, Transportation, Employment and Built Environment – are very specific and will require resources, new expertise, administrative support, and considerable balancing of priorities for school boards. The timelines either overlap or fall very closely upon one another and, as such, intensify the response required in a sector which is, by its nature, already very weighted towards continuously emerging policy and regulation implementation that is government-initiated.

This issue is raised to draw attention to the importance the school board sector places on being prepared and resourced to comply effectively with all accessibility standards. Within the vision

of an accessible Ontario the expectations of these standards are reasonable. It is vital that we meet the expectations. It is equally vital that the government that regulates and funds school boards supports us in meeting the expectations through allocation of funding and resources that recognizes our responsibilities in this sphere.

Conclusion

The Ontario Catholic School Trustees Association and the Ontario Public School Boards' Association support the directions of the proposed Standard on Accessible Employment as an integral step towards an Accessible Ontario by 2025. Our comments are directed at managing the challenges of compliance as we strive to integrate provisions of several standards within a relatively short timeframe and during a period of economic challenge in the province.

We look to the government of Ontario and its ministries to provide expertise and financial resources to support organizations in building the capacity required to implement AODA regulations. As a school board sector, in particular, we wish to see access to resources that reflect the specific culture and organizational norms of school boards and that will support the transition to full compliance. Our preferred approach is a proactive, holistic, fully-funded implementation strategy on the part of the government that has pioneered this ground-breaking legislation.

Respectfully submitted by

Ontario Catholic School Trustees Association
Ontario Public School Boards' Association

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