

# Cassels

## Upcoming Reporting Deadlines and Accessible Website Requirements under the AODA

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For many employers, it has been a few years since the last compliance deadline under the *Accessibility for Ontarians with Disabilities Act* (the AODA). However, as we near the end of 2019, it's time to check in again with Ontario's accessibility legislation to ensure your organization is on track to meet upcoming compliance requirements.

The AODA was enacted in 2005 and aims to identify, eliminate and prevent barriers to accessibility in Ontario by 2025. The AODA achieves its purpose through the creation and enforcement of accessibility standards that cover five core areas: customer service, information and communication, employment, transportation and design of public spaces. The AODA is very broad in scope and applies to almost every provincially regulated organization in both the public and private sectors in Ontario.

To date, the AODA has relied primarily on self-reporting of compliance by requiring organizations with over 20 employees in Ontario to file compliance reports with the Government of Ontario. The last round of compliance reports were due at the end of 2017.

Upcoming deadlines are as follows:

- **By December 31, 2019**, designated public sector organizations are required to file a compliance report.
- **By December 31, 2020**, private sector organizations with 20+ employees and non-profit organizations with 20+ employees are required to file a compliance report.

Before filing, we recommend reviewing the specific AODA requirements that apply to your organization to ensure that compliance can be confirmed in your report. Compliance reports for the 2019 deadline are currently available for download [here](#) and can be submitted online. Failure to file a report constitutes a violation of the AODA and may result in administrative penalties.

In addition to reporting deadlines, substantive requirements relating to website accessibility are also on the horizon. Website accessibility is governed under the Information and Communication Standard of the AODA. Under this standard, all public sector organizations, and private organizations with 50 or more employees in Ontario are required to ensure that their websites are accessible as follows:

- **By January 1, 2021**, all public websites and web content posted after January 1, 2012 must meet Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, other than criteria 1.2.4 (live captions) and 1.2.5 (pre-recorded audio descriptions).

The upcoming website accessibility deadline expands on previous requirements that applied to only new websites, or websites undergoing a significant update, and required compliance by January 1, 2014. In addition to now applying to all public websites, the new requirements also impose a more advanced set of criteria under the WCAG.

Website accessibility requirements apply only to publicly accessible websites and web content that an organization controls directly or through a contractual relationship that allows for modification of the product. The AODA does not apply to an organization's internal or "intranet" website that is used to privately and securely share information within the organization.

For more information on how to ensure compliance under the AODA, please contact a member of the Cassels Employment & Labour Group.