

## GARDINER MILLER ARNOLD LLP

### AODA – INTEGRATED ACCESSIBILITY STANDARDS POLICY

#### AODA

Gardiner Miller Arnold LLP (“GMA”) is committed to complying with the provisions of the *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”) and its Regulations. This Integrated Accessibility Standards Policy (the “Policy”) addresses the requirements of Ontario Regulation 191/11 (the “Regulation”) under the AODA with the goal of increasing accessibility for GMA’s clients, employees and invitees to its premises having a disability. This Policy specifically contemplates the following accessibility standards under the Regulation:

- the Information and Communication Standards;
- the Employment Standards; and
- the Customer Service Standards.

#### GMA’s Policy

GMA believes in:

- the concepts set out in the *Human Rights Code*;
- respecting the dignity and independence of persons with disabilities;
- providing legal services to persons with disabilities;
- equal opportunity; and
- maintaining an environment that is free from barriers to accessibility by its clients, employees and invitees to GMA’s premises.

#### Definitions

The following definitions apply to this Policy:

- a) “**assistive devices**” means any auxiliary aids such as communication aids, cognition aids, personal mobility aids and medical aids (i.e. canes, crutches, wheelchairs or hearing aids);
- b) “**client**” means an existing client for whom GMA renders legal services pursuant to a Retainer Agreement with GMA or a proposed client who is in the process of being invited by GMA to become a client, or any of their authorized representatives;
- c) “**disability**” means any one of the following defined types of disabilities which is obvious to GMA or which GMA may otherwise require to be confirmed pursuant to a medical certificate by a qualified medical practitioner which identifies the disability and any special accommodation or accessibility need, in compliance with the established case law criteria and the Medical Evidence for Accommodation policy of the Human Rights Commission. A “disability” shall specifically include:
  - i. any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment,

- deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
  - ii. a condition of mental impairment or a developmental disability;
  - iii. a learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
  - iv. a mental disorder; or
  - v. an injury or disability for which benefits were claimed or received under the insurance plan under the *Workplace Safety and Insurance Act, 1997*;
- d) **“guide dog”** means a guide dog as defined in section 1 of the *Blind Persons’ Rights Act*;
- e) **“invitee”** means a prospective client, a service provider, contractor or guest of any of GMA’s personnel invited to attend GMA’s premises, or any of their authorized representatives invited by GMA to conduct business at GMA’s premises;
- f) **“service animal”** means an animal for a person with a disability if the animal can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as the vest or harness worn by the animal, or the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
- i. a member of the College of Audiologists and Speech-Language Pathologists of Ontario;
  - ii. a member of the College of Chiropractors of Ontario;
  - iii. a member of the College of Optometrists of Ontario;
  - iv. a member of the College of Physicians and Surgeons of Ontario;
  - v. a member of the College of Physiotherapists of Ontario;
  - vi. a member of the College of Psychologists of Ontario; or
  - vii. a member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;
- g) **“support person”** means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

## **INFORMATION AND COMMUNICATION STANDARDS**

### **Feedback**

GMA will ensure that its processes for receiving and responding to feedback are accessible to a person having a specified disability who qualifies as a client, employee or invitee of GMA, by providing or arranging for the provision of accessible formats and communications supports as may be necessary and appropriate in such circumstances, at such person’s expense or at the expense of GMA when, in its sole discretion, it elects to bear such expense, subject to the provisions of this Policy and such other criteria as may be determined to be appropriate by GMA in each case. GMA may require confirmation that the person is subject to a disability, as confirmed by a medical certificate.

### **Accessible Formats and Communication Supports**

Upon request, GMA will provide or arrange for the provision of accessible formats and communication supports for GMA's clients, employees and invitees with disabilities in a timely manner that takes into account the person's specific accessibility needs due to disability and at a cost pre-paid by such person that is no more than the actual regular cost as would be charged to other persons. GMA will consult with such person in determining the suitability of an accessible format or communications support before GMA determines the appropriate arrangements.

### **Notify Public**

GMA will notify the public about the availability of GMA's existing accessible formats and communication supports, subject to requirements of this Policy.

### **Emergency Procedure, Plans and Safety Information**

GMA has prepared emergency procedures, plans and safety information applicable to its premises. Upon request, GMA will provide such of that information as may be applicable in an accessible format and with appropriate communication supports, as soon as practicable, either upon the initiative of GMA or at the expense and upon a written request by a client, employee or invitee of GMA who is disabled and has a need for such assistance, provided that an employee shall not bear any such expense, and GMA may reserve the right to bear any such expense on behalf of any other person in its sole discretion.

## **EMPLOYMENT STANDARDS**

### **Recruitment**

GMA will notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes, in accordance with this Policy.

### **Recruitment Assessment or Selection Process**

During a recruitment process, GMA will notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to the materials or processes to be used.

### **Consultation with Applicant**

If a selected applicant requests an accommodation, GMA will consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

### **Notice to Successful Applicants**

When making offers of employment, GMA will notify the successful applicant of this policy for accommodating employees with disabilities, as well as other applicable policies.

### **Informing Employees of Supports**

GMA will inform its employees of its policies used to support its employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability as may be necessary and appropriate in such circumstances, in accordance with such criteria as may be determined to be appropriate by GMA in each case. GMA will

provide this information to new employees as soon as practicable after commencing employment. GMA will provide updated information to its employees whenever there is a change to existing policies on the provision of job accommodations that take into account the employee's accessibility needs due to disability.

### **Accessible Formats and Communication Supports for Employees**

Where an employee with a disability so requests it, GMA will consult with the employee to provide or arrange for the provision of a suitable accessible format and communication support for information that is needed in order to perform the employee's job, together with other relevant information that is generally available to employees in the workplace.

### **Workplace Emergency Response Information**

GMA will promptly provide individualized workplace emergency response information to employees who have a disability if the disability is such that the individualized information is necessary and GMA is aware of the need for accommodation due to the employee's disability. If such an employee requires and consents to assistance, GMA will provide the workplace emergency response information to the person designated by GMA to provide assistance to the employee. GMA will review the individualized workplace emergency response information when the employee moves to a different location in the firm, when the employee's overall accommodations needs or plans are reviewed and when GMA reviews its general emergency response policies.

### **Performance Management**

Where GMA uses "performance management" (which means activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success) in respect of its employees, it will take into account the accessibility needs of employees with disabilities, as well as individualized accommodation plans.

### **Career Development and Advancement**

Where GMA provides "career development and advancement" opportunities to its employees (which includes activities providing additional responsibilities within an employee's current position and the movement of an employee from one job to another in the firm that may be higher in pay, provide greater responsibility or be at a higher level in the firm, or a combination of them), GMA will take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans.

### **Redeployment**

Where GMA uses "redeployment" (which means the reassignment of employees to other departments or jobs within the firm as an alternative to layoff, when a particular job or department has been eliminated by the firm), GMA will take into account the accessibility needs of its employees with disabilities, as well as individual accommodation plans.

## **CUSTOMER SERVICE STANDARDS**

### **Communication**

GMA will communicate with clients, employees and invitees with disabilities in ways that take into account their disability.

### **Assistive Devices**

GMA will encourage clients, employees and invitees who use an assistive device to inform the relevant lawyer and staff member(s) to assist them to become trained and familiar with that assistive device while accessing GMA's goods, services or facilities.

### **Use of Service Animals**

If a person with a disability is accompanied by a guide dog or other service animal, GMA will ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her. If a service animal is excluded by law from the premises, GMA will ensure that other measures are available to enable a person with a disability to obtain, use or benefit from GMA's goods, services or facilities.

### **Support Persons**

If a person with a disability is accompanied by a support person, GMA will ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises. GMA shall not require any amount to be payable in respect of the support person's admission to or presence upon the premises. Client discussions of a privileged or confidential nature shall be undertaken in the absence of the support person, if possible, unless the support person's presence is specifically authorized by the client.

### **Required Support**

GMA may require a person with a disability to be accompanied by a support person when on the premises, but only if, after consulting with the person with a disability and considering the available evidence, GMA determines that a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises and there is no other reasonable way to protect the health or safety of the person with a disability and the health or safety of others on the premises.

### **Notice of Temporary Disruptions**

If, in order to obtain, use or benefit from GMA's goods, services or facilities, persons with disabilities usually use particular facilities or services of GMA and if there is a temporary disruption in those particular facilities or services in whole or in part, GMA will give notice of the disruption to a disabled person affected thereby. Notice of disruption will include the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available. GMA may give notice by telephone, email, by posting the information at a conspicuous place on premises owned or operated by GMA, by posting it on GMA's website, if any, or by such other method as is reasonable in the circumstances.

### **Training for Staff**

GMA will ensure that the following persons receive training about the provision of GMA's goods, services or facilities, as the case may be, to persons with disabilities:

- a) every person who is an employee of GMA;
- b) every person who participates in developing GMA's policies; and
- c) every other person who provides goods, services or facilities on behalf of GMA.

GMA will ensure that training is provided with respect to the requirements of the accessibility standards referred to in the Regulation and in the *Human Rights Code* as it pertains to persons with disabilities. The

training will be appropriate when applicable to the duties of any pertinent employee and will be provided on a timely basis in response to a specific request by a disabled person requesting GMA to address the disability in a manner necessary in the circumstances or when affected by changes made to this Policy. The training will include a review of the purposes of the AODA and the requirements of the Customer Service Standards under the Regulation and instruction about the following matters:

- a) how to interact and communicate with persons with various types of disability;
- b) how to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person;
- c) how to use equipment or devices available on the GMA's premises or otherwise provided by GMA that may help with the provision of goods, services or facilities to a person with a disability; and
- d) what to do if a person with a particular type of disability is having difficulty accessing the GMA's goods, services or facilities.

An available 20-minute e-training resource is recommended at the following link: <http://www.ohrc.on.ca/en/learning/working-together-code-and-aoda>.

### **Feedback Process**

Clients and other members of the public who wish to provide feedback on the way GMA provides goods, services or facilities to persons with disabilities may forward communications as follows:

By Mail: Gardiner Miller Arnold LLP  
c/o Alex Young, H.B.A., J.D.  
390 Bay Street, Suite 1202, Toronto, ON M5H 2Y2

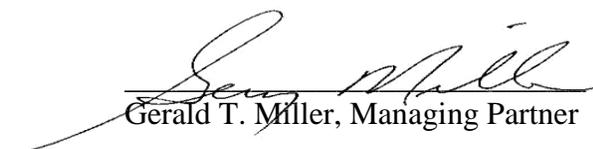
By Fax: 416-363-8451, Attention Alex Young

By Email: [alex.young@gmalaw.ca](mailto:alex.young@gmalaw.ca)

Receipt of feedback will be acknowledged in writing within 14 business days. GMA will review the feedback within 30 business days from receipt and take steps if and as required. If GMA determines that a response to the submitter is appropriate, GMA will provide a written response within the review period. A response beyond acknowledgment of the feedback may not always be appropriate or required and will be given on a case by case basis.

### **Approved Policy**

This Policy has been approved by the partners of Gardiner Miller Arnold LLP.

  
Gerald T. Miller, Managing Partner