

The Learning Disabilities Association of Ontario
Response to the proposed Employment Accessibility Standard
May 2009

The Learning Disabilities Association of Ontario (LDAO) applauds the Government of Ontario in its efforts to create accessible employment opportunities in this province, and we welcome the opportunity to comment on the proposed **Employment Accessibility Standard**.

The Learning Disabilities Association of Ontario (LDAO) and its 20 community based chapters represent the interests of persons with learning disabilities (LDs) throughout Ontario. In the more than forty years since its formation, LDAO has expanded its activities and services to include youth and adults who have learning disabilities, in postsecondary and employment sectors. Over the years, LDAO has regularly provided consultation and constructive recommendations on all government initiatives that affect persons with learning disabilities in Ontario.

People with LDs, of all ages, represent the largest disability group in Ontario. In the publically funded school system, students with LDs have made up over 40% of students receiving special education, and it is estimated that persons with LDs represent about 6% of the population.

Learning disabilities influence all areas of a person's life, including employment. The 2006 *Participation and Activity Limitation Survey (PALS)* showed that adults with LDs had an unemployment rate of 11.7 %, higher than the rate for adults of all disability types (10.4%) and the rate for the whole population. Average employment income for adults with LDs was only \$20,215 in 2006, compared to \$26,640 for all disability types.

Some adults with LDs spend years on the merry-go-round of hiring, quitting, and firing until they give up altogether. Others settle for entry-level positions that do not reflect their intelligence or capabilities. Those individuals with LDs who manage to obtain and keep jobs do so because they understand the effects of their disabilities, find a job which fits with their strengths, can present themselves in interviews as competent candidates, and can negotiate appropriate accommodations in the workplace. However when job requirements change, for example due to workplace restructuring or technology changes, these workers too may run into difficulties that require reinvestigating and renegotiating accommodations.

Accessing accommodations requires disclosure to the employer, and some individuals with LDs may fear that disclosing will lead to prejudice, discrimination or rejection. Many worry that their abilities will be underestimated due to widespread misunderstanding of learning disabilities.

The proposed **Employment Accessibility Standard** will go a long way toward creating workplace environments that will allow individuals with learning disabilities to obtain and maintain jobs that fit with their abilities and talents. It will be important that employers understand the implications of an accessible workplace for persons with invisible as well as visible disabilities.

The proposed standard is laid out in a logical format, and the language for the most part is clear and understandable.

The sections on accessible employment policies and training are reasonable. The Government could supply templates for smaller companies to use for policy statements.

Section 4.1 Accessible employment policy statements could also be used for recruitment purposes. For example, in **4.1**, the section of the policy statement from **3.2 c)** should be made available to **all** potential employees, not only **upon request**. This is important in order to encourage persons with disabilities to apply for positions appropriate to their skills and training, without having to disclose up front. The timelines on **4.1** should be the same as **3.2**. Since employers are required to provide accommodation now through Human Rights legislation they should be telling their prospective employees.

Section 4.2 on **essential duties** of vacant jobs, is **very important** for prospective employees with learning disabilities. Individuals with LDs need to know what the specific job requirements are in order to know if the job is a good fit with their strengths and skills, and whether they will need accommodations. Section **4.2.1** should apply to all organizations.

In order to be able to provide essential duties of vacant jobs **upon request**, one assumes that most employers would need to document the essential duties of all vacant jobs. This is good practice in recruitment anyway and in larger companies would presumably be the job of the HR department. Therefore section **4.2.2** should stay.

Section 4.3 Implementation of **4.3.1** would require an easy web-based system for identifying organizations that provide employment services for persons with disabilities. Information about access to such a website would need to be included in implementation materials supplied by the Government.

Section **4.3.2** should follow the same format as the revised section **4.1**

Note that Section **4.4 b)** requires the knowledge of the essential duties of the job, and so reinforces the need for **4.2.2**

Section 5

Individual accommodations plans are an important key feature of this standard. This is a concept that has been used for many years in the education and postsecondary fields, and can be easily adapted for employment. The requirement to document individual employment plans should help legitimize the rights to accommodation for employees with disabilities.

5.4 Career development and advancement information must include information on how accommodations will be made available in any **required training programs**.

6. Indicators of Progress

In order to make this meaningful, it will be necessary to choose a few basic indicators for the standard, with other possible options suggested in a Guidance Document.

In terms of **classes of organizations**, the Information and Communication Standard Development Committee opted to divide both public and private organizations into small, medium and large. The Employment Accessibility Standard Development Committee may wish to consider whether these classes are appropriate to their standard.

In conclusion, the proposed **Employment Accessibility Standard** has many positive features and with a few small changes should provide a good start to changing the employment prospects of persons with disabilities, both visible and invisible. The materials and training made available to organizations in order to comply with the standard will be very important. We urge the Government to make use of the expertise of the various associations representing persons with disabilities when designing such materials and offering training to employers.