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## AODA, Accessibility for Ontarians with Disabilities Act

With many of Springboard's clients either based in Canada or having a Canadian presence, we thought it would be important to remind everyone about the new compliance requirements known as AODA, Accessibility for Ontarians with Disabilities Act. This compliance goes into effect on January 1, 2012 and focuses on accessibility standards for customer service which require companies to do the following:

1. Establish:
  - Policies - what you intend to do, including any rules for staff.
  - Practices - what you actually do on a day-to-day basis, including how your staff offer or deliver your services.
  - Procedures- how you will go about it or the steps staff are expected to take on providing goods or services to people with disabilities. Keep a written record.
2. Set a policy on allowing people to use their own personal assistive devices to access your goods or use your services and any other measures your organization offers (assistive devices, services, or methods) to enable them to access your goods and services.
3. Use reasonable efforts to ensure that your policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity.
4. Communicate with a person with a disability in a

### 2012 Disability Matters

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**United States:**  
**April 18-19, 2012,**  
**Newark, NJ**

**International:**  
**March 2012,**  
**Paris, France**

**Stay Tuned for more!**

#### Inside this issue:

AODA	1 - 2
The ADA Inquirer	3-5
The Travel Spot	6- 8
The Technology Wire	9
Inclusive Play Symposium	10
Monica & David	11 - 12
Disability Matters	13
Crossword Puzzle	14-15
Come See Nadine!	16
Crossword Solution	17
A Note from the Springboard Team	18

## AODA - Continued:

manner that takes into account his or her disability.

5. Train staff, volunteers, contractors and any other people who are involved in the provision of goods or services in your business in the Customer Standards policies, practices and procedures.
6. Allow people with disabilities to be accompanied by their guide dog or service animal in those areas of the premises you own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, use other measures to provide services to the person with a disability.
7. Permit people with disabilities who use a support person- to bring that person with them while accessing goods or services in premises open to the public or third parties.
8. Where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for a support person accompanying a person with a disability.
9. Provide notice when facilities or services that people with disabilities rely on to access your goods or services are temporarily disrupted.
10. Establish a process for people to provide feedback on how you provide goods or services to people with disabilities; how you will respond to any feedback and take action on any complaints. Make the information about your feedback process readily available to the public.

Will your company be ready on January 1st? Contact Springboard to ensure that you are. We have staff based in Canada who are ready to help. Just call us at 973-813-7260 or email [info@consultspringboard.com](mailto:info@consultspringboard.com). In fact, Nadine will be presenting on this most important topic at the JOIN (Job Opportunity Information Network) Conference in Toronto on November 21-22nd. Looking forward to seeing you many of you there.



Nadine

## The ADA Inquirer:

by Shelley A. Kaplan, Manager ADA Services, Springboard Consulting, LLC

### DISCRIMINATION BY ASSOCIATION

You don't always have to be someone with a disability to be protected under the Americans with Disabilities Act. Before you react, please read on. By now, I think most employers know they cannot refuse to hire, promote or fire an employee solely based on their disability. But, what about your employees, who don't have a disability themselves, but are associated with those who do? I'm talking about people who have a child, spouse or any other dependent with a disability.

Do employers have any ADA responsibilities to guard against potential discrimination? Yes. If the basis of an employment decision is the relationship, there may be an ADA violation. And, it doesn't even have to be a blood or family relationship.

One ADA provision--the association provision--protects applicants and employees without disabilities from discrimination based on their relationship or association with an individual with a disability. Why would both business and government agree to this? Because they understand the changing workplace demographics. A recent Gallup poll (July 26, 2011, [www.gallup.com/poll/148640/one-six-american-workers-act-caregivers.aspx](http://www.gallup.com/poll/148640/one-six-american-workers-act-caregivers.aspx)) reports that more than one in six Americans who work a full-or part-time job also report assisting with care for an elderly or disabled family member, relative, or friend. When employers make adverse employment decisions based on unfounded stereotypes, concerns and assumptions about individuals who associate with people who have disabilities, the result is the same as if that person had a disability themselves.

#### What does this mean?

- During the hiring process, the manager finds out that the applicant's spouse has cancer. You can't decide not to hire the applicant just because of a fear that healthcare expenses will go up.
- Employers can't refuse to hire an applicant who has a child with a disability because you assume that she/he will be distracted at work, away from work excessively, or be otherwise unreliable.
- Employers can't fire an employee who works with people who are HIV-positive or have AIDS because of unfounded beliefs about how HIV/AIDS is contracted or you assume that the employee will contract the disease or you believe that your company's image will be tarnished.

## The ADA Inquirer - Continued

- This means employers can't deny or reduce an employee's health care coverage available to others because the employee's spouse, child or other dependent has a disability and you believe the association is expensive causing increased insurance premiums. What if your company's health insurance plan will only pay for a certain number of days of inpatient care for employees' dependents each year and your employee complains that his wife's disability will require more time in the hospital than permitted by your company's plan? The ADA doesn't require employers to provide additional health insurance coverage to meet the wife's needs. A health insurance plan provision that limits the number of days of inpatient care for employee dependents affects individuals with many kinds of conditions, only some of which are disabilities; therefore, the limitation is not a disability-based distinction and would not violate the ADA. If, however, the employer's health insurance plan has terms or provisions which make disability-based distinctions (e.g., provisions that single out specific disabilities, groups of disabilities or disability generally), the plan itself may violate the ADA unless an employer can demonstrate that the plan provision is not a subterfuge to evade the purposes of the ADA.

So now the follow up question, "Are applicants or employees who are associated with those who have disabilities are also entitled to reasonable accommodation?" No. The ADA specifically says that employees, who don't have a disability, are not entitled to reasonable accommodation just because they are associated with disabled individuals. The ADA would not require an employer to modify its leave policy for an employee who needs time off to care for a child with a disability. But other laws, such as the Family and Medical Leave Act (FMLA), may be applicable and the employee may be entitled to leave.

You can't stop people from filing a complaint when they experience adverse employment actions; but if challenged, you need a justifiable answer to the question, "Why did you take the adverse action?" I'm not a lawyer, but it seems reasonable that if you find yourself facing such a complaint, the employee's attorney will look for evidence that the adverse employment action occurred under circumstances that raise a reasonable inference that the disability of the relative or associate was a determining factor in the employer's decisions.

If you are aware of an employee who has a relative with a disability, make sure that the actions you're taking are not based on unfounded fears that the dependent's condition will have a negative impact on your employee's performance. Employers of choice are very clear about reasons for termination. They make sure these reasons are legitimate, non-discriminatory and well-documented. Any time you make an adverse employment decisions, make sure the focus of that decision is documented issues with employee performance, rather than on unfounded fears and concerns and assumptions.

The ADA and its amendments--ADAAA--doesn't prevent interfere with organizational goals to hire the best employees possible, but rather, to do what most good employers do already: reduce the barriers to success. You can mitigate your ADA risk by making sure your business

## The ADA Inquirer - Continued

practices are up to date with current law. Outdated employee handbooks should be immediately updated. Treat all employees fairly regardless of any protected status. Schedule training with appropriate staff to ensure that your company hires, trains, promotes, pays, and terminates in a nondiscriminatory manner. I can't stress enough the importance of maintaining written records supporting your decisions. But remember, anything medical, including information about reasonable accommodation, must be kept confidential and separate from the employee's main personnel file. Review and update job descriptions. Although the ADA doesn't require them, a written description of a job's essential functions helps determine whether a person can fulfill it with or without a reasonable accommodation. Seek out access to an ADA Hotline, such as the one offered by Springboard Consulting. Such confidential services can help you problem solve challenging situations. At the end of the day, it's about reducing barriers in order to recruit and hire the best employees possible.

## The Travel Spot:

*by Scott Rains, The Rolling Rains Report*

### DELIGHT AS A BUSINESS CASE

#### Disability as the Growth Edge for Design

Part of the joy of being around children is observing the intensity of their sensation and their delight in discovery of new meaning in the smallest of things. The allure of travel is the promise of another chance at this childlike experience of self-discovery.

The product of the travel industry is experience. Marketing a destination, a travel product, or a service sets quality expectations in the customer's imagination. Customer satisfaction requires shaping the traveler's imagination with an expectation then satisfying the desire for what is often a location-sensitive experience.

Delivering quality at the level of customer experience involves the industry understanding how different market segments receive the implied promises communicated in messaging about the travel product. Quality delivered is a product flawlessly matched to its promises.

Quality control begins with product design. The task of the design phase is to meld engineering and empathy. It is no coincidence that "imagineering" is the name given to this by Disney - the world's most renowned experts on quality control of a location-based experience.

Product design starts by accurately grasping the sensory experience and imaginative repertoire of the customer. Quality means that not only are their needs met but that these needs are exceeded in a way that evokes delight. Delight erupts because the customer senses an unexpected depth of understanding about themselves structured into the travel product. In a very literal sense, at times, product design involves meeting with the broadest range of expected customers and having them test the product under the widest range of conditions then modifying to create a product that is sustainable in the marketplace. (When it is satisfied customers tell the story of their meaningful experience and reinforce the power of the product.)

The experience of delight has very concrete chemical consequences. The biochemistry of delight establishes a cascade of physiological responses that externally might result in a smile, laughter, or a certain liveliness of movement. Internally, delight creates a sense of well-being accompanied by heightened confidence, motivation, and sensory alertness.

A traveler is reduced to the lowest level of human need by the act of travel. On the positive side this allows one the leisure of "leaving it all behind" and the freedom to "reinvent" oneself in a new location. On the negative side the traveler is overwhelmed with the need to meet the basic human functions of food, clothing, personal safety, and shelter. In Abraham Maslow's Hierarchy of Human Needs the traveler is thrust to the bottom level of human existence where success results not in delight but simply in diminishment of stress.

## The Travel Spot - Continued:

Another way to say this is that all travelers are disabled.

We can say this only if we reject a common misunderstanding that disability is a medical issue predictable by reference to the condition of body parts or to sensory capacities. This ignorance is taken as highly insulting by most persons with disabilities who travel. Instead we can say all are disabled by travel if we adopt the definition of disability used by the United Nations and the World Health organization. This definition emphasizes that disability arises only in the interplay between one's abilities and the environment.

This two-pointed perspective suggests that answers to the pragmatic difficulties of travel lie in honest awareness of the prevalence of mismatch between design and human abilities in context. On the ethical side it suggests that there is an affirmative social obligation to citizens, and human beings in general, to design for full inclusion regardless of abilities.

The "secret hidden in plain sight" is that implementation of these pragmatic and ethical insights more than three decades ago in certain countries has created a generation of persons with disabilities who have succeeded academically, socially, politically, and professionally. In the process they have become a powerful force. Coincidentally they are aging en masse. They are the Baby Boomers. The consciousness they embody as persons with disabilities is inseparable from what their age cohort will demand as their temporary medical condition as able bodied matures to the normal state known as "disability" through the natural process of aging.

Not surprisingly this underserved market of persons with disabilities who have broken down the barriers first to physical accessibility and then to social inclusion are exerting an unmistakable set of quality expectations on all businesses. This may be seen most powerfully in the travel industry where their sense of entitlement and accumulated wealth will not diminish as their bodily functionality does. It suggests that rather than being an annoyance to be lamented, a risk to be mitigated, or an expense to be avoided those traditionally labeled as "disabled" are the experts to be consulted on how to reduce the experience of disablement during travel by those who may have more physical function but less resilience adapting to environments and business practices that exclude through bad design.

### **What is the business case for delight?**

To delight a customer with a disability is to delight the 1.5 people who traditionally travel with them. To delight a customer with a disability sets in motion story-telling about your product from inside the demographic which travels more by word of mouth recommendation

## The Travel Spot - Continued:

than any other travel demographic.

To delight a customer with a disability is to have recruited a loyal customer who is more likely to return and statistically will stay longer than any other travel demographic.

To delight a customer with a visible disability is to delight your customers, usually unknown to you, who have invisible disabilities and interpret your high level of customer service as proof that they can count on you for the same.



## The Technology Wire:

by Debra Ruh, SSB, Chief Marketing Officer, and CEO, TecAccess

### THE ROI OF HIRING TECHNOLOGISTS WITH DISABILITIES

Employers looking to gain a strategic edge may find that hiring technologists with disabilities provides an attractive return on investment. Technologists with disabilities give everyone from private industry to educational institutions a way to improve the accessibility of their technology, hire a diverse workforce, and drive in more business by focusing on social responsibility and inclusion.

Individuals with disabilities represent a huge market segment and a large untapped workforce. Additionally, with the recent amendments to the ADA and the updates coming soon to Section 508 of the Rehabilitation Act, technological accessibility needs to keep pace with the new legislation. These developments will require employers to address accommodation issues in the workplace, something that can be helped by having employees with disabilities in high tech and management positions.

However, disability related myths can impede this process. I worked with one large company that basically said, "We are going to decide what jobs can be done by persons with disabilities and then direct individuals with disabilities to those positions". But it's not the place of the employer to determine what jobs people with disabilities can do. An employer simply need to make sure that its HR systems and processes are fully accessible, and if a candidate applies and is qualified for the job, interview them and hire them to do the job. Period.

Employers can make a wise investment in hiring technologists with disabilities. A recent Department of Labor report indicated that workers with disabilities consistently meet or exceed the job performance of coworkers without disabilities. One good example can be found in a Canon facility outside of Chicago that began refurbishing cameras. They hired people with intellectual disabilities and the first year the program saved over \$19 million. They also noticed that the plant's overall productivity increased at a higher rate than other locations. Employees at the plant also reported increased morale and pride to work for the company. Such intangibles can be valuable to Employers seeking a competitive edge in the marketplace.

## Inclusive Play Symposium -

*Ingrid M. Kanics, OTR/L, Kanics Inclusive Design Services, LLC*

### **PLAY FOR LIFE: EXPANDING THE LIFELONG BENEFITS OF INCLUSIVE PLAY**

A thought-provoking, two-day symposium that examines the importance of play for people of all ages and abilities.

Those who attend will be able to learn from a group of inclusion leaders from around the country about all of the dimensions of inclusive play, inclusive recreation, music and more. You will be able to share and network with colleagues from across the country, and reignite your passion for play and discover new ways to bring that passion to everyone in your community.

The event takes place on Thursday, September 22, 2011 and Friday, September 23, 2011 at the Sheraton Minneapolis West Hotel, Minnetonka, MN. For more details, visit [www.playlsi.com/2011-symposium](http://www.playlsi.com/2011-symposium).



## MONICA & DAVID:

by Ali Codina, Director/Producer, *MONICA & DAVID*

*MONICA & DAVID* is a movie that explores the marriage of two adults with Down syndrome and the family who strives to support their needs. Monica and David are blissfully in love and want what other adults have—an independent life. Full of humor, romance and everyday family drama, the film uses intimate fly-on-the wall footage to reveal the complexity of their story. While Monica and David are capable beyond expectations, their parents, afraid of mainstream rejection of adults with intellectual disabilities, have trouble letting go.

Monica is my cousin. We grew up in a close-knit Cuban-American family and in high school I volunteered at a program which Monica attended for adults with intellectual disabilities. I watched her flirt with guys, have her heart broken, and eventually fall in love with the man of her dreams—David.

Several weeks before Monica and David's wedding, I realized that there was an unspoken infantilization of their love. People continued to speak of their relationship as something "cute" and failed to acknowledge the serious adult commitment they were making. I wanted the world to see Monica the way I did—an intelligent, sensitive and nuanced woman. I wanted to get beyond their seemingly happy exterior to really know what Monica and David think and feel.

Motivated by a gut instinct to share their story, I began filming. It took me a while to understand the many layers to their story, and how Monica and David reflect the needs, challenges and dreams of many adults with disabilities and their families. Being so close to something can make you less aware. Growing up, Monica was just another member of the family. I knew that there were issues around acceptance and inclusion, but I hadn't fully explored the bigger picture of the disability movement and how our family's story fit into that context.

As I began doing research and speaking with advocates in the disability community, I realized that my understanding of disability was somewhat limited. Disability is such a broad term, which represents so many different, individual situations...the largest minority in the world! I could easily relate to Monica, David and their friends with intellectual disabilities, but I'd never fully considered the daily challenges of maneuvering non-accessible spaces for a person with a mobility-related disability. Or that for some Americans, even getting to the voting poll can be a challenge.

At a certain point, it clicked. I cannot ask for inclusion and opportunity for Monica and David, unless I do the same for others. Until recently, I'd never thought about making video

## MONICA & DAVID - Continued:

content accessible for people who are blind or vision impaired. It just wasn't on my radar. But as soon as I learned about Audio Description, it was so obvious, why hadn't I thought of this before?

When I talk to people in the film industry about the importance of making MONICA & DAVID accessible, they often assume it's because I made a film about two adults with a disability. Funny enough, I think the opposite. Audiences who are blind, deaf, vision or hearing impaired want access to the same content which everyone else watches and listens to. An audience member who is blind, for example, is likely more interested in "seeing" HARRY POTTER, then in watching MONICA & DAVID. But I'll at least make the effort with my film and hopefully encourage others to do the same.

The DVD release of MONICA & DAVID (both the Educational Edition and Home Video) will be fully accessible. This includes Audio Description in English for the feature film, DVD menu and all bonus material; and Audio Description in Spanish for the film only. Also included are subtitles for people who are deaf or hearing impaired in English & Spanish for the entire content of the DVD. It hasn't been an easy process figuring out how to put this all together, but as a person who believes in a just and open world, there really shouldn't be an alternative.

So the next frontier? We need to make this a much easier process. I'm not sure who'll take it on, but we need an open-source blueprint for creating accessible DVDs. The trickiest part is the Audio Described DVD menu, so having examples of that available in free, public forums would really begin to change the world. Because even if the film itself is audio described, you cannot access the content without assistance if the menu is too difficult to navigate.

To learn more about the film, or to purchase a DVD, please visit: [www.monicaanddavid.com](http://www.monicaanddavid.com)  
An audio described copy of the film trailer can be viewed at: <http://www.youtube.com/watch?v=QicT4XS5tIA>. The Educational Edition of MONICA & DAVID will be available by mid-August, and the Home Video this December. The film will soon be available to HBO subscribers on HBOGo.

# 2012 - Disability Matters Awards Banquet & Conference:



## DISABILITY MATTERS 2012

Newark, New Jersey; United States

April 18-19, 2012

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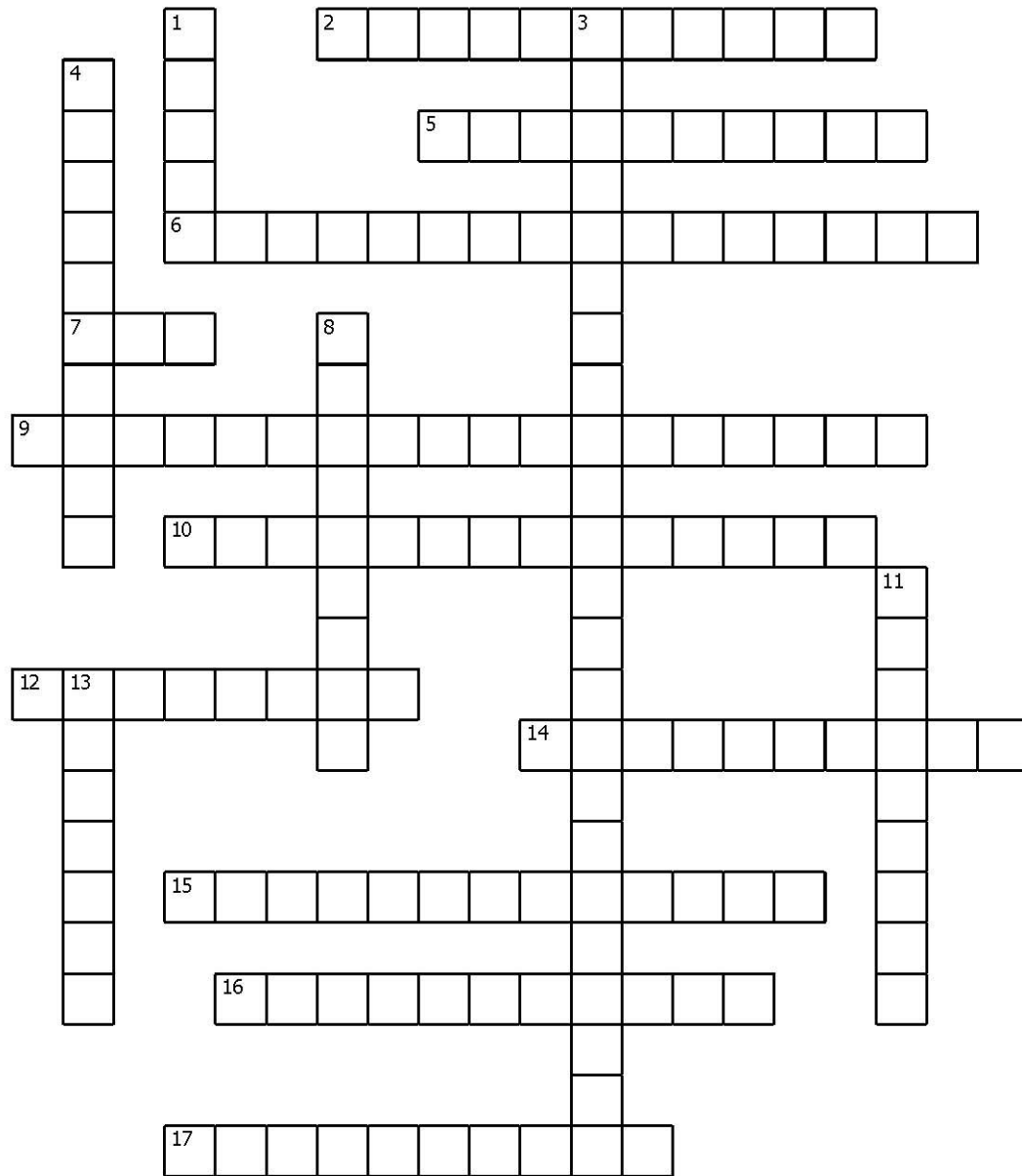


Bronze Sponsor(s):



# Crossword Puzzle:

## ADA Crossword



To download an accessible version of this crossword, [click here >>](#)

## Crossword Puzzle:

### ACROSS

- 2 - The ADA is this type of law
- 5 - Reasonable accommodations do NOT have to be provided for workers who fall under this definition of disability
- 6 - One purpose of the ADA is to ensure this in employment
- 7 - Transitory & minor impairments excluded from ADA protection generally are those that occur less than \_\_\_ months
- 9 - A type of major life activity
- 10 - Type of assessment needed to determine if someone poses a “direct threat” to the workplace
- 12 - Person who makes the final decision about reasonable accommodation selection
- 14 - Title I of the ADA focuses on this type of discrimination
- 15 - Reason why employer might not have to provide reasonable accommodation
- 16 - Recommended “process” to explore and identify effective workplace supports
- 17 - A means of providing effective communication

### DOWN

- 1 - Type of reasonable accommodation
- 3 - ADA legal term for “workplace support”
- 4 - Place where posting applicable laws should be located
- 8 - A person with a disability must be \_\_\_\_ for the position
- 11 - Type of job functions that must be accommodated
- 13 - There are approximately 54 \_\_\_\_ Americans with Disabilities in the U.S.

# Come See Nadine!



**THE CONFERENCE BOARD**  
Trusted Insights for Business Worldwide

The Conference Board's Workforce Readiness Rush Initiative being held in Washington, DC on September 20 and 21, 2011.



Workforce Diversity Network

The Workforce Diversity Network Conference being held in Rochester, NY on October 2 and 3, 2011.



**Diversity Best Practices**

THE PREEMINENT ORGANIZATION FOR DIVERSITY THOUGHT LEADERS

The NALC Conference being held in Chicago, IL on October 5 and 6, 2011.



Leadership empowerment for women who mean business

The Diversity Woman's Business Conference being held in National Harbor, MD on October 10 and 11, 2011.



The Out & Equal Summit being held in Dallas, TX on October 25 and 26, 2011.



The CTA Conference being held in San Jose, CA on November 2, 3 and 4, 2011.



Advancing Diversity Thought Leadership Through Research, Education, & Public Outreach

The AIMD Conference will be held in Atlanta, GA on November 8 and 9, 2011.



National Capital Region (NCR) Wounded Warrior Hiring and Support Conference

The NCR 2011 Wounded Warrior Hiring and Support Conference will be held in Tysons Corner, VA on November 9 and 10, 2011.

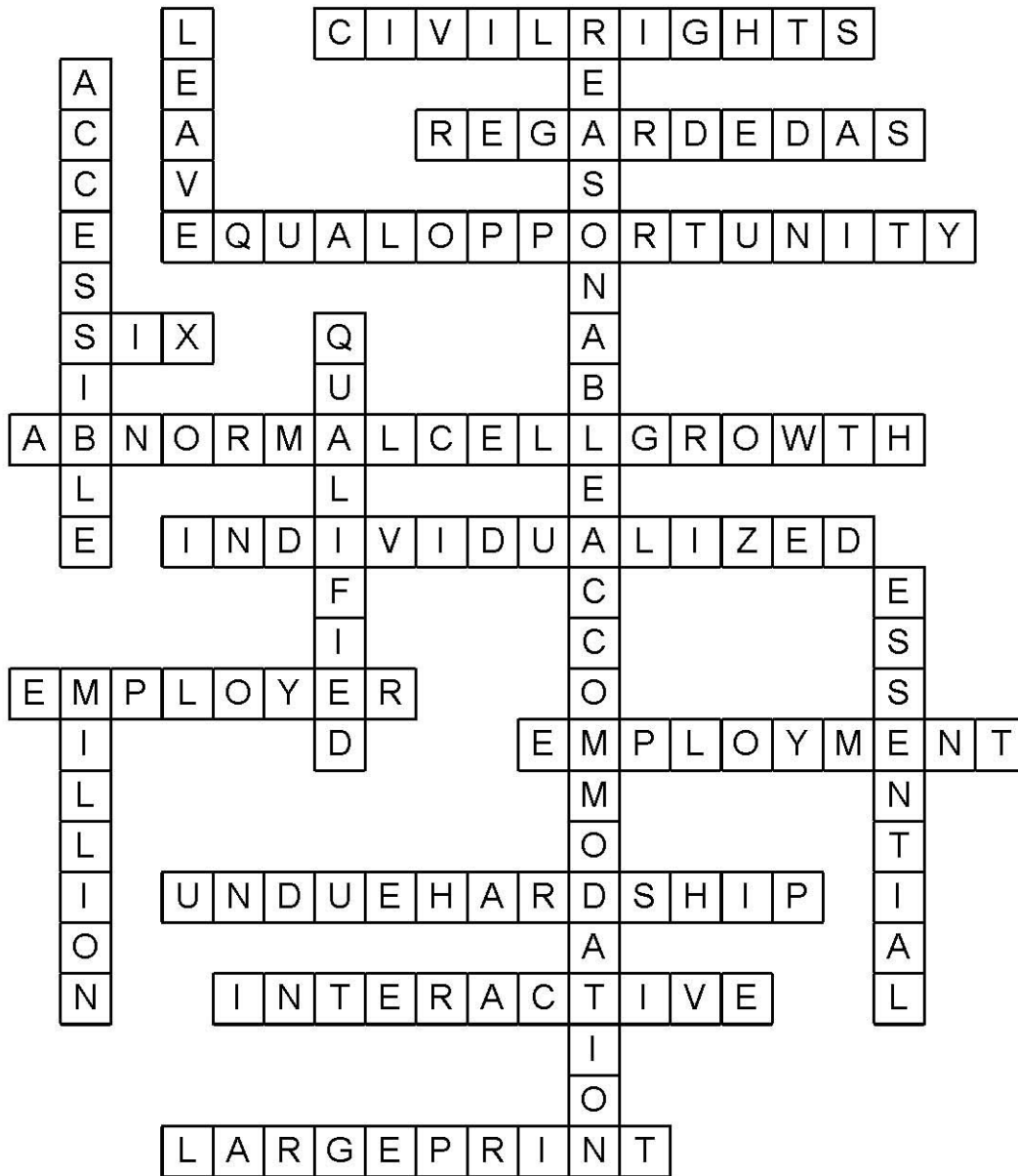


The 8th Annual Employer Conference being held in Toronto, Canada on November 21 and 22, 2011.



# Crossword Puzzle - Solution:

## ADA Crossword



## A Note from the Springboard Team:

As always, we hope everyone has enjoyed this edition of “[The WAVE](#)”.

Summer has ended but we look forward to the Fall foliage, cool, crisp days and nights, pumpkin picking and Trick or Treating. But when you're home and snuggled up by a warm fire and looking for something to read, grab your copy of “[The WAVE](#)”!

As always, please help us spread the word... tell everyone you know to visit our website and sign-up for the newsletter - <http://www.consultspringboard.com/newsletter/> .

Again, we thank you for your support and for subscribing to ...

**“The WAVE”**

*Until Next Time...*



14 Glenbrook Drive, Mendham, NJ 07945, United States  
T: 973-813-7260; F: 973-813-7261; E: [info@consultspringboard.com](mailto:info@consultspringboard.com)  
<http://consultspringboard.com>