

## **Is your business Accessible?**

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The *Accessibility for Ontarians with Disabilities Act, 2005* S.O. Chapter 11 (AODA) became law in 2005. On January 1<sup>st</sup>, 2012 the first accessibility standard, the Customer Service Standard (Ontario Regulation 429/07) (CSS) comes into effect for all private and non-profit organizations that provide goods and services to the public, with at least one employee. For all public sector organizations the Act has been in effect since January 1<sup>st</sup>, 2010.

The AODA is overseen by the Accessibility Directorate of Ontario (ADO) within the Ministry of Community and Social Services.

The goal of the Act is to roll out different phases of accessibility standards over the next decade in order to make Ontario completely “barrier-free” by 2025. It is estimated that 1.85 million Ontarians have disabilities, corresponding to 15.5% of the Province’s population.

The Province is working to create accessibility in the areas of transportation, employment, information and communications and in the built environment. The first area being address is Customer Service through the new Customer Service Standard.

## **What is the Customer Service Standard?**

The CSS is about making policies and training employees to improve communication and customer service for people in Ontario with disabilities. “Disability” is defined in the same manner as the *Human Rights Code*. The CSS is about changing attitudes and changing the way businesses provide goods and services to the public.

## **Updating Your Policies**

Compliance with the CSS is mandatory province-wide. Compliance begins with reviewing and updating your policies to improve accessibility. Reasonable efforts must be made to create policies that uphold the core principles of independence, dignity, integration and equality of opportunity. All organizations will need to make specific policies to address matters such as service animals, personal assistive devices and support persons. Policies must reiterate that the organization must permit people with a disability to enter the premises with their personal assistive devices, and also have access to, at all times, their service animal (unless otherwise excluded by law) and support person. Organizations will also need to make specific policies regarding admissions prices for support persons and must notify the public.

## **Train Your Employees**

The second step is to train your employees. This includes those within your organization that create your policies as well as any of your employees, contractors, volunteers that interact with the public. The

CSS requires organizations to ensure that any third parties that interact with customers are properly trained as well.

Training includes instruction on the core principles of the Act, your organization's internal policies, specific training on how to interact, communicate with and serve customers with different types of disabilities and on how to assist with support persons, assistive devices and service animals.

The Act does not specify exact requirements for the format of training. It's up to organizations to develop a method of training that is appropriate for each circumstance.

Training should be ongoing and any new employees should be trained as soon as possible.

## **Communication**

Organizations must also provide a method of feedback and provide information on how the public can provide their feedback. You are also required to provide notice to the public when accessibility services will be unavailable due to a temporary disruption.

## **With 20 or more employees**

There are a few additional requirements for organizations with 20 or more employees. These are principally documentation and reporting requirements.

When counting the number of employees, be sure to include all full-time, part-time and contract staff, but you do not need to include independent contractors or volunteers.

To meet the documentation requirement your organization will need to create written documentation of the following:

1. General Policies
  - Accessibility policies, policies pertaining to personal assistive devices, service animals and support persons including any amount that will be charged for admission of a support person, how disruptions in service will be communicated and an explanation of the feedback process
2. Training Practices
  - Content, timelines, log training for each employee; and
3. Documentation regarding feedback.
  - How customers can provide it, how you have responded to it.

These documents must also be made available to the public in accessible formats and information on obtaining these documents must be made available to the public as well.

Public sector organizations as well as all organizations with 20 or more employees must also comply with reporting requirements. This will include filing online accessibility reports to the Government of Ontario regarding compliance. The Government has not yet released information on how such reporting will be filed.

## **What should I be worried about?**

How an organization complies with the CSS will vary from organization to organization depending on the type and size. The Act fortunately provides a lot of flexibility for organizations to create their own policies and training practices that work best and are reasonable given the circumstance.

There are a few mandatory obligations related to the policy categories mentioned above. These can be tailored to each organization when necessary with complimentary policies. It will not be possible in every situation to provide completely identical access, but policies to accommodate and uphold the core principles must be considered in order to provide equivalent access where possible.

### **Inspections, Orders and Offences**

Similar to other Acts, such as the *Ontario Occupational Health and Safety Act*, the AODA gives the Ministry the power to appoint inspectors to monitor compliance with the accessibility standards. The Director can issue orders which may also carry an administrative penalty to persons or organizations. Persons and organizations receiving the orders will have an opportunity to provide a written explanation of the reasons they should not be subject to a penalty or order. There is also a legislated right to appeal to an internal tribunal. Appeals and written explanations for the withdrawal of orders have specific timelines which should be reviewed.

There are also several offences under the Act such as failing to comply with an order. These offences can carry daily fines for persons and organizations. Directors and officers of corporations are also liable should they fail to take reasonable care to prevent the organization from committing an offence under the Act. Directors and officers can also be liable for daily fines while an offence is not remedied.

It is my understanding that these fines are only to be used in extenuating circumstances if an individual or corporation continues to fail to comply with the Act. The Act appears to promote cooperation between providers of goods and services and all government agencies responsible for the development of an accessible Ontario.

### **Where can you get more information and resources for training?**

[www.ontario.ca/AccessON](http://www.ontario.ca/AccessON)

The next Accessibility Standard: *Integrated Accessibility Standards* will become a requirement for private sector organizations on January 1<sup>st</sup>, 2014.