

The Accessibility for Ontarians with Disabilities Act Customer Service Standard

By N. William C. Ross and Faren H. Bogach

What is the Accessibility for Ontarians with Disabilities Act?

The *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”) came into force in June 2005. The AODA seeks to improve access to goods, services, facilities, accommodation, employment, buildings, structures and premises in Ontario by January 1, 2025.

The three “Accessibility Standards” that have been or will be issued under the AODA are:

- Customer Service (described below)
- Integrated Accessibility - regulation came into force on July 1, 2011, but obligated organizations are required to meet the requirements according to the following schedule:
 - the Government of Ontario and the Legislative Assembly, January 1, 2012;
 - large designated public sector organizations, January 1, 2013;
 - small designated public sector organizations, January 1, 2014;
 - large organizations, January 1, 2014; and
 - small organizations, January 1, 2015.
- Built Environment (regulation not in force)

To whom does the AODA apply?

The AODA applies to every person and organization that:

- provides goods, services or facilities;
- employs persons in Ontario;
- offers accommodation;
- owns or occupies a building, structure or premises; or

- is engaged in a prescribed business activity or undertaking or meets such other requirements as may be prescribed by the AODA.

The AODA also applies to not-for-profit organizations, associations and charities.

What is the Customer Service Standard?

Employers have an obligation to take reasonable steps to accommodate employees with disabilities in accordance with the *Human Rights Code*. Similarly, the Customer Service Standard addresses the business practices and training required to provide goods and services to people with disabilities.

The Customer Service Standard has applied to designated public sector organizations since January 1, 2010. It will apply to all providers of goods and services with at least one employee (except federally regulated employers) as of January 1, 2012.

Under the Customer Service Standard, organizations are required, among other things, to:

- establish policies, practices and procedures governing the provision of goods and services to persons with disabilities, including provisions for assistive devices;
- the policies, practices and procedures should be consistent with the following principles:
 - › the goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities;
 - › the provision of goods or services must be integrated, unless an alternative measure is necessary, to enable persons with

disabilities to obtain, use or benefit from the goods or services; and
 › persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services.

- provide notice of temporary disruptions in services usually used by persons with disabilities;
- ensure that persons involved with providing services to members of the public or other third parties receive training on:
 - how to interact and communicate with persons with various types of disabilities;
 - how to use equipment or devices available on the provider's premises that may help persons with disabilities;
 - what to do if a person with a particular disability has difficulty accessing the provider's goods or services
- provide ongoing training in connection with any changes to the organization's policies, practices and procedures;
- establish a process for receiving and responding to feedback; and

- ensure that service animals and support persons are not denied entry into an organization's facility.

What can I do to prepare for the Customer Service Standard?

If your organization has 20 or more employees, you are required to maintain documents containing the general policies, feedback processes and training materials developed in accordance with the Customer Service Standard. Documents relating to the feedback process must be provided to any person whenever requested. You must notify persons to whom you provide goods or services that the documents required by this standard are available upon request by posting a notice in a conspicuous location on your premises and on your website. Accessibility compliance reports must be filed annually through the Service Ontario website at <http://www.serviceontario.ca>.

What are the penalties for failing to comply with the AODA?

The AODA grants power to the Deputy Minister to appoint one or more inspectors with the responsibility of determining

whether the AODA and its regulations are being complied with.

Directors and officers have an obligation to take reasonable care to prevent their corporation from committing an offence under the AODA. Directors and officers can be personally fined up to \$50,000 for each day or part of a day in which an offence occurs or continues to occur. Organizations could be ordered to comply with the AODA and could be liable to fines up to \$100,000 per day for failing to comply with the AODA.

It is time to start preparing for the Customer Service Standard.

Additional information is available on the Ministry of Community and Social Services website at <http://www.mcscs.gov.on.ca>.

If you have any questions concerning the AODA and what you can do now to be prepared for the Customer Service Standard, please contact either of the authors, Bill Ross or Faren Bogach.

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