



“Employers: are you ready for the new Customer Service Standards that become effective on January 1st under the AODA?”



Accessibility for Ontarians with Disabilities Act, 2005

CUSTOMER SERVICE STANDARD becomes effective January 1, 2012

The *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”) was enacted several years ago. It establishes, through means of regulation, various standards to be implemented in Ontario in accordance with timelines set out in those regulations.

The *Customer Service Standard* is the first of four (the other three are *information and communication, employment and transportation*) to become effective under the AODA. The *Customer Service Standard* regulation under the AODA was introduced in 2007 and set the following compliance timelines:

January 1, 2010 – “*Designated public sector organizations*” – i. e, Government of Ontario ministries, municipalities, school boards, hospitals, etc;

January 1, 2012 – “*Other providers of goods or services*” - i.e. all other organizations that provide goods or services either directly to the public or to other third parties in Ontario and that have at least one employee in Ontario.

Accordingly, effective January 1, 2012, the *Customer Service Standard* (“CSS”) will apply to all persons or organizations providing services to the public as well as to persons or organizations that make goods or services available to third parties, such as other businesses, the government or other organizations. The range of organizations that are considered to be “*providers*” falling within the scope of the CSS is broad and includes, but is not limited to: stores, restaurants, hair salons, service stations, builders, recreation centres, amusement parks, manufacturers, wholesalers, theatres, churches and unions. The fact a provider may serve only a small range of the individuals does not relieve it from the obligations imposed by the CSS.

Effective January 1st, a provider that is subject to the CSS must:

1. have implemented policies, practices and procedures on providing goods or services to people with disabilities;
2. use reasonable efforts to ensure such policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity;



3. communicate with a person with a disability in a manner that takes into account such disability;
4. have a policy on allowing people to use their own personal assistive devices to access its goods and services; such policy also must speak to any other measures the provider offers (e.g. assistive devices, services or methods) to enable its goods and services to be accessed and used;
5. permit people with disabilities to be accompanied by their guide dogs or service animals in those areas of its premises that are open to the public, unless such animals are excluded by another law, in which case other measures must be put in place for providing services to such persons with disabilities;
6. permit people with disabilities who use support persons to bring such persons with them while accessing goods or services in premises open to the public or third parties;
7. where admission fees are charged, provide notice ahead of time on the admission, if any, charged for a support person;
8. provide notice when facilities or services that people with disabilities rely on to access or use its goods or services are temporarily disrupted;
9. train staff, volunteers, contractors and anyone else who interacts with the public or third parties on its behalf on a number of topics outlined in the *CSS*;
10. train staff, volunteers, contractors and any other people who are involved in developing its policies, practices and procedures on the provision of goods or services on a number of topics also outlined in the *CSS*;
11. establish a process for people to provide feedback on how it provides goods or services to people with disabilities and how it will respond to any feedback and take action on any complaints and further, make information about the feedback process readily available to the public.

A provider having 20 or more employees must fulfill three additional obligations:

- document in writing all of its policies, practices and procedures for providing accessible customer service as well as meet other document requirements set out in the *CSS*;
- notify customers that documents required under the *CSS* are available upon request;
- when giving documents required under the *CSS* to a person with a disability, provide the information in a format that takes into account such disability.



The Ministry of Community and Social Services (“Ministry”) has responsibility for the *AODA* and has indicated its goal is to help organizations meet their accessibility requirements. However, it also has warned that for “*organizations that persist in not meeting their obligations*”, it has the power to conduct inspections, impose monetary penalties and pursue prosecutions in court.

It is important that employers take the time and invest the necessary resources to fulfill their obligations under the *Customer Service Standard*. Failure to do so not only will expose them to the risk of penalties under the *AODA*, it also may make their positions more vulnerable in the event of proceedings under the *Human Rights Code* by employees or others alleging discrimination on the basis of disability and/or a failure to accommodate.

The Ministry’s website is a helpful resource and includes links to guides and templates to assist in developing appropriate policies and procedures. However, a provider must take care when using such resources so that the final product not only conforms to the requirements of the law (and does not unintentionally exceed such requirements) but also reflects and is responsive to the provider’s particular circumstances.

If you would like more information, or if you require assistance in preparing or completing your Customer Service Standard policies and procedures, please contact one of our Human Resources lawyers.

The Human Resources lawyers at Evans, Philp LLP have extensive expertise and experience in dealing with all manner of employment and labour relations matters. We regularly provide advice and representation to employers on a broad range of issues, including matters involving collective agreements, employment contracts, workplace legislation (including but not limited to the Employment Standards Act and the Occupational Health and Safety Act), disability management, matters under the Human Rights Code, risk management and so on.