

Labour and Employment Law

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Is your Ontario organization ready to comply with the new Accessibility Standards for Customer Service?

As of January 1, 2012, all private businesses, non-profit organizations and any other service provider with at least one employee in Ontario must comply with the requirements of the Accessibility Standards for Customer Service (the "Standards"), a regulation adopted under the *Accessibility for Ontarians with Disabilities Act (AODA)*. Given the mandatory nature of the Standards, HR personnel should take steps now to conduct training on the requirements. Failure to do so may lead to administrative penalties under the *AODA*.

On January 1, 2008, the Standards came into force. While designated public sector organizations have been required to comply with the Standards since January 1, 2010, they have not yet received widespread publicity in the private sector. However, the time has come to prepare to comply with the Standards.

What must all organizations do to comply with the new Standards?

1. Establish policies, practices and procedures on providing goods and services to people with disabilities.
2. Set a policy on allowing people to use their own assistive devices to access your goods and use your services and about any other measures your organization offers (assistive devices, services or methods) to enable them to access your goods and use your 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 having a disability in a manner that takes into account his or her disability.
5. Train staff, volunteers, contractors and any other people who interact with the public or other third parties on your behalf on a number of topics as outlined in the Standards.
6. Train staff, volunteers, contractors and any other people who are involved in developing your policies, practices and procedures for the provision of goods and services on the topics outlined in the Standards.

7. 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.
8. 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.
9. Where admission fees are charges, provide notice ahead of time of what admission, if any, would be charged to a support person accompanying a person having a disability.
10. Provide notice when facilities or services that people with disabilities rely on to access your goods or services are temporarily disrupted.
11. Establish a process for people to provide feedback on how you provide goods and services to people with disabilities and 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.

What additional requirements apply if your organization has 20 or more employees?

1. Document in writing all of your policies, practices and procedures for providing accessible customer service and meet other document standards set out in the Standards.
2. Maintain records of training that is provided on the

Standards, including the dates on which training was conducted and how many people were trained.

3. Notify customers that documents required under the Standards are available upon request.
4. When giving documents required under the Standards to a person with a disability, provide the information in a format that takes into account the person's disability.
5. File regular "accessibility reports" regarding your organization's compliance with the Standards. The accessibility reports are to be completed online and are designed as a "Yes or No" questionnaire. At this time, the exact filing deadline for the first report has not yet been confirmed.

What training is required to ensure compliance with the Standards?

As part of preparing to comply with the Standards, Ontario employers need to provide training in the workplace. The training must include an overview of the purposes of the

AODA and the requirements of the Standards, as well as provide examples of how to interact with people having different kinds of disabilities.

Training is an ongoing process. It must be done whenever changes are made to your policies, practices and procedures on serving customers with disabilities. When a new person is hired or assigned duties where training is required under the Standards, that person must be trained as soon as possible.

Conclusion

The Standards aim to ensure that organizations in Ontario provide customer service in a manner that is responsive to the needs of individuals with different kinds of disabilities. While there is a modest administrative burden on organizations to provide training in relation to the Standards, the expected outcome is that Ontario businesses and organizations will be much more accessible to these individuals. Failure to comply with the Standards may entail administrative sanctions under the *AODA*.

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Pallett Valo LLP Labour and Employment Practice

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