Ontario

customer service

Guide

Accessibility Standards for Customer Service, Ontario Regulation 429/07

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Access ON donne accès

Breaking Barriers Together

www.AccessON.ca

Ontario

customer service

Guide

Accessibility Standards for Customer Service, Ontario Regulation 429/07

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Access ON donne accès

Breaking Barriers Together

www.Access0N.ca

Please Note:
This document is provided as a guide to the Accessibility Standards for Customer Service which is Ontario Regulation 429/07 under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

The Guide is not legal advice and should be read together with the official language of the standard and the AODA. If there is any conflict between this Guide, the standard and the AODA, the Accessibility Standards for Customer Service and the AODA are the final authorities.

This document was produced by the Ministry of Community and Social Services, January 2008. Updated April 2009.

Ce document est également disponible en français.

© Queen's Printer for Ontario, 2008
ISBN 978-1-4249-6262-4 (Print)
ISBN 978-1-4249-6263-1 (HTML)
ISBN 978-1-4249-6264-8 (PDF)

Table of Contents

1. INTRODUCTION 1

2. BACKGROUND 3

   a. Why does Ontario need accessibility standards? 3

   b. What is the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)? 3

   c. What other accessibility standards are expected? 4

   d. How does the AODA relate to the customer service standard? 4

      (i) Who is a person with a disability? 4

      (ii) The customer service standard and other laws 6

      (iii) What if the standard conflicts with other laws? 7

      (iv) How will this standard be enforced? 7

3. SUMMARY OF REQUIREMENTS OF THE STANDARD 9

   a. What requirements apply to all providers? 9

   b. What additional requirements apply to designated public sector organizations and providers with 20 or more employees? 10

4. WHO MUST COMPLY? 11

   a. Which public sector providers are designated? 11

   b. Who else is a provider of goods or services under the standard? 12

      (i) What does it mean to provide goods or services to the public? 13

      (ii) What does it mean to provide goods or services to third parties? 13

      (iii) Why does the customer service standard apply to third party services? 14

   c. What are the requirements for counting employees under the standard? 14

      (i) How do I count my employees? 15

      (ii) What if I am self-employed? 15

      (iii) When do I count the number of employees that I have? 16

d. Are there situations where the standard does not apply? 17
(i) Provision of goods or services under federal jurisdiction 17
(ii) Services to employees 17
(iii) Do my goods have to be accessible? 17

5. WHAT ARE THE DEADLINESFOR COMPLIANCE? 19
a. What are the deadlines for complying with the standard? 19

6. POLICIES, PRACTICES AND PROCEDURES 21
a. What are policies, practices and procedures? 22
b. What policies, practices and procedures have to be established? 23
c. What are the principles? 25
(i) What does "use reasonable efforts to be consistent with the principles" mean? 25
(ii) What does the principle of dignity mean? 27
(iii) What does the principle of independence mean? 27
(iv) What does the principle of integration mean? 28
(v) What does the principle of equal opportunity mean? 29
d. How should my policies deal with the use of assistive devices? 30
e. What if another company provides some of my services? 31
f. What must I do when communicating? 32
(i) What are accessible communications? 33
(ii) Consider the nature of the communication 34
g. What documents are required? 35

7. SERVICE ANIMALS AND SUPPORT PERSONS 37
a. Does this section apply to you? 37
b. What does it mean to own or operate premises? 37
c. When do the public or third parties have access to premises? 38
d. What are the rules for service animals? 39

e. What if the animal is excluded by another law? 39
(i) Where food is prepared, stored or sold..... 40
(ii) Health and safety requirements 41
(iii) Laws restricting animal breeds..... 41
f. How do I serve someone if their animal is excluded by law? 42
g. What are the rules about support persons? 42
h. When is it necessary to require a support person?..... 43
(i) Accepting personal risk 43
(ii) What is a health and safety risk that would require a support person? 44
i. What if I charge admission to my premises? 46
j. What documents are required? 47
k. How are service animals and guide dogs defined?..... 47
(i) Readily apparent..... 48
(ii) A letter from a doctor or nurse 48
l. Who is a support person?..... 49

8. DISRUPTIONS IN SERVICE 51
a. What temporary disruptions do I have to provide notice for?..... 51
b. What if all of our services are disrupted?..... 52
c. How do I provide notice of a temporary disruption? 53
d. What documents are required? 53

9. TRAINING 55
a. Who must be provided with training?..... 55
b. Does management need training?..... 56
c. What training must be provided?..... 57
d. When must the training be provided? 59
e. What documents are required? 60
f. What do I include in a record of training?..... 60

10. FEEDBACK PROCESS 61

a. What kind of feedback process is required? 61

b. What documents are required? 62

11. DOCUMENT REQUIREMENTS 63

a. What organizations must comply with these document requirements? 63

b. What documents are required under the standard? 63

(i) How must the information be presented? 66

c. Do I need to notify people about these documents or share them? 66

d. What if a person with a disability wants an alternate format? 67

12. MORE INFORMATION 69

APPENDIX A 71

Schedule 1 71

Boards, Commissions, Authorities and Agencies 71

Schedule 2 74

Broader Public Sector 74

APPENDIX B 75

Excerpts of Health Protection and Promotion Act, R.R.O. 1990, Reg. 562, ss. 59 & 60 75

Excerpts of Food Safety and Quality Act, 2001, O. Reg. 31/05, s. 44. 76

1. INTRODUCTION

1

This Guide gives a basic overview of the requirements of the Accessibility Standards for Customer Service, Ontario Regulation 429/07. This Ontario law came into force on January 1, 2008. It is the first accessibility standard created under the authority of the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). Throughout this Guide, the regulation is referred to in short form as the customer service standard or the standard.

The Guide is designed to help people or organizations that provide goods or services to the public or other third parties to understand their obligations under the customer service standard. It explains the standard in plain terms. The word "provider(s)" is used to refer to those persons and organizations that must comply with the standard, as described in Chapter 2 of this document. The word "organization(s)" is used to refer to the phrase "persons and organizations". Providing services includes providing goods or services.

The Guide is not legal advice. Many sections of the standard regulation are included in this document but not all. To obtain a copy of the official version of the standard regulation, please see Chapter 12. Chapter 12 also provides information on additional resources to help organizations comply with the standard.

This document contains examples of how a provider might comply with the standard. The examples are fictional, though many are based on real situations. They are designed to help explain the standard, but not to suggest a specific solution for the type of organization mentioned. Many of the requirements can be met in a variety of ways depending on the services an organization offers, its structure or size. In addition, new accessibility solutions that are not mentioned here may become available as time passes.

2. BACKGROUND

2

a. Why does Ontario need accessibility standards?

Several laws in Ontario address accessibility and some requirements have existed since the 1980s. Since then, progress on accessibility has been made in some areas and by some organizations.

Despite this, accessibility remains limited. People with disabilities still do not have equal access to services, employment, transportation, information or buildings that others in Ontario enjoy. They cannot count on accessibility being available. The Accessibility for Ontarians with Disabilities Act, 2005 was passed with the goal of creating standards to improve accessibility across the province.

b. What is the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)?

AODA Section 1.

Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by,

(a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and

(b) providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA), is a law passed by the Ontario legislature that allows the government to develop specific standards of accessibility and to enforce them. The standards are made into laws called regulations,

and they provide the details to help meet the goal of the AODA. The AODA is the foundation on which the standards are built.

The purpose of the accessibility standards is to move organizations in Ontario forward on accessibility. The standards will set requirements in a number of key areas and will be reviewed at least every five years. New requirements may be added. Ontario will move step by step towards accessibility that is widespread and commonplace, accessibility that people with disabilities can count on, on a daily basis. In this way Ontario will fully benefit from the contributions, involvement and spending power of people with disabilities.

Further, increasing accessibility will help prepare Ontario for the future. As the population ages, the number of people with disabilities will increase. Visitors and tourists, along with their friends and family will need to travel, shop, use programs, services, and information and to access buildings, parks, and other places in a way that is accessible to them.

c. What other accessibility standards are expected?

The customer service standard is the first standard developed under the AODA. Other proposed standards are being developed in the areas of transportation, information and communications, employment and the built environment. Like the customer service standard, the other proposed standards are being developed by standards development committees. The committees are made up of people with disabilities or their representatives, representatives of the business community, the broader public sector and the Ontario government.

d. How does the AODA relate to the customer service standard?

In addition to being the foundation for the customer service standard, the AODA has some specific requirements and rules that must be considered when reading the standard. The key areas of the AODA that should be considered are outlined below:

(i) Who is a person with a disability?

The definition of disability under the AODA is the same as the definition of disability in the Ontario Human Rights Code. This is the definition of disability that applies to the customer service standard.

AODA Section 2.

In this Act,

"disability" means,

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a developmental disability,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(d) a mental disorder, or

(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997;

The definition includes disabilities of different severity, visible as well as non-visible disabilities, and disabilities the effects of which may come and go.

Examples

- A person with arthritis has a disability that over time may increase in severity.
- A person with a brain injury has a disability that is not visible.
- A person with multiple sclerosis has a disability that causes her to experience periods when the condition does not have an effect on her daily routine and other periods when it does.

It is important to understand that information about a disability is personal and private and must be treated confidentially. In most cases it will not be necessary to ask for proof of a disability. Through implementing the customer service standard, accessibility will simply become part of every day service delivery. Some providers such as schools, colleges and universities may require proof of disability because of the type of services that they provide. In such cases, these providers may be subject to privacy-related laws with respect to that information.

(ii) The customer service standard and other laws

AODA Section 3.

Nothing in this Act or in the regulations diminishes in any way the legal obligations of the Government of Ontario or of any person or organization with respect to persons with disabilities that are imposed under any other Act or otherwise imposed by law.

AODA Section 38.

If a provision of this Act, of an accessibility standard or of any other regulation conflicts with a provision of any other Act or regulation, the provision that provides the highest level of accessibility for persons with disabilities with respect to goods, services, facilities, employment, accommodation, buildings, structures or premises shall prevail.

There are other laws related to accessibility that may apply to organizations covered by the customer service standard, such as the Ontario Building Code Act, 1992 and the Ontario Human Rights Code. The AODA and the customer service standard do not replace or change what you must do under these and any other laws. For example, a provider must still comply with the Ontario Human Rights Code, which prohibits discrimination on the basis of disability in goods, services or facilities, accommodations, contracts, employment, and vocational organizations. The AODA and the customer service standard have not changed the rules that exist under the Ontario Human Rights Code.

Where the standard sets different rules than other laws, a provider may have to comply with both. For example, a provider must comply with the rules of the Ontario Human Rights Code, in addition to new rules under the AODA and the standard such as to provide a process for receiving feedback about how it provides service to people with disabilities.

(iii) What if the standard conflicts with other laws?

If two laws conflict with one another, Section 38 of the AODA states that the law that provides the higher level of accessibility is the law that must be followed.

(iv) How will this standard be enforced?

The AODA allows for enforcement of the customer service standard through inspections, compliance orders and administrative penalties. Details of enforcement will be set out in a new regulation that is planned for 2008.

3. SUMMARY OF REQUIREMENTS OF THE STANDARD

3

All providers that are covered by the customer service standard must comply with the 11 requirements summarized below. Providers with 20 or more employees and all designated public sector organizations have three additional requirements to meet. These additional requirements are listed separately.

Please note that this list is a plain language summary of the requirements. In several cases, it does not include the full details of the requirement.

a. What requirements apply to all providers?

The following requirements of the customer service standard apply to all providers that are covered by the standard. If you are a provider, you must:

1. Establish policies, practices and procedures on providing goods or services to people with disabilities.

2. 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.

3. Set a policy on allowing people to use their own personal 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.

4. Communicate with a person with a disability in a manner that takes into account his or her disability.

5. 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.

6. 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.

7. Where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for a support person of a person with a disability.

8. Provide notice when facilities or services that people with disabilities rely on to access or use your goods or services are temporarily disrupted.

9. 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 customer service standard.

10. Train staff, volunteers, contractors and any other people who are involved in developing your policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard.

11. Establish a process for people to provide feedback on how you provide goods or 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.

Each of these requirements and the terms used are described in greater detail in the chapters that follow.

b. What additional requirements apply to designated public sector organizations and providers with 20 or more employees?

If you are a designated public sector organization or other provider with 20 or more employees, you must:

1. Document in writing all your policies, practices and procedures for providing accessible customer service and meet other document requirements set out in the standard.

2. Notify customers that documents required under the customer service standard are available upon request.

3. When giving documents required under the customer service standard to a person with a disability, provide the information in a format that takes into account the person's disability.

Each of these requirements and the terms used are described in greater detail in the following chapters.

4. WHO MUST COMPLY?

4

> **Customer Service Standard**
>
> 1. (1) This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario.

The customer service standard applies to all organizations, both public and private, that provide goods or services either directly to the public or to other organizations in Ontario (third parties) and that have one or more employees in Ontario.

This chapter discusses all the factors that need to be considered in determining whether an organization must comply with the customer service standard as well as some situations when the standard does not apply.

a. Which public sector providers are designated?

> **Customer Service Standard**
>
> 1. (2) "designated public sector organization" means the Legislative Assembly and the offices of persons appointed on the address of the Assembly, every ministry of the Government of Ontario, every municipality and every person or organization listed in Schedule 1 or described in Schedule 2 to this Regulation;

The customer service standard identifies the following people or organizations as a designated public sector organization in the standard:

- The Legislative Assembly and those appointed on the address of the Assembly
- Ministries of the Government of Ontario
- All Ontario municipalities

- Organizations listed in Schedules 1 and 2 of the customer service standard, (see Appendix A of this document).

Designated public sector organizations, regardless of their size, must comply with all the requirements of the standard. Public and broader public sector organizations that are not designated in the standard are addressed in the category of other organizations (other providers of goods or services) and should therefore consider the remainder of this chapter.

b. Who else is a provider of goods or services under the standard?

In addition to designated public sector organizations, the standard applies to every other organization that provides goods or services to the public or other third parties and has at least one employee in Ontario.

Examples of providers of goods or services

The types of organizations that provide goods or services include, but are not limited to:

- Stores, restaurants, hotels, bars and hair salons;
- Garages, service stations, home renovators, architects and builders;
- Hospitals and health services;
- Schools, universities and colleges;
- Organizations that operate public places and amenities, such as recreation centres, public washrooms, malls and parks;
- Municipal and provincial governments and the programs and facilities that they run, including social assistance services, public meetings, public transit, libraries, and employment centres;
- Provincially regulated utilities;
- Travel agencies, tour operators, amusement parks, farmers' markets and travelling fairs;
- Police, ambulance, fire and court services;
- Manufacturers and wholesalers;
- Professionals, such as doctors, dentists, chiropractors, physiotherapists, lawyers, and accountants, whether services are offered to individuals or to businesses;

- Consultants, programmers, engineers and event planners;
- Charities and non-profit organizations;
- Theatres, stadiums and conference centres;
- Places of worship, such as churches, synagogues, mosques and temples; and
- Unions and professional associations.

(i) What does it mean to provide goods or services to the public?

Organizations use many different words to describe the members of the public they serve, including customers, clients, members, patients, constituents, parishioners, congregants, patrons and consumers. Under the standard, providing services to the public means providing goods or services that members of the public are allowed to use.

Even if you only provide goods or services to the members of the public who meet your eligibility criteria, for the purposes of the customer service standard, you are still providing goods or services to the public and you must still meet the requirements of the standard.

Examples

- A social assistance program offered by the government is a service to the public, even though only those people meeting eligibility criteria are actually able to access the services.
- A membership-based soccer league that is open to the public and has one employee, is providing services to the public and must comply with the customer service standard.

(ii) What does it mean to provide goods or services to third parties?

The customer service standard also applies to persons or organizations who make goods or services available to other third parties – other businesses, the government or other organizations. This includes consultants, manufacturers and wholesalers as well as providers of other business and professional services. Under the customer service standard, providers of goods or services to third parties must comply with the same requirements as the providers who serve the public.

Examples

- A company paid to organize training sessions for groups of employees of another organization is providing services to third parties. This company must comply with the customer service standard in the training provided and in discussions with the organization about the training.
- An organization hired by other businesses to design and build new residential subdivisions is providing goods or services to third parties.
- A non-profit organization representing small business owners is providing goods or services to third parties when it provides training materials and fact sheets to its members.

(iii) Why does the customer service standard apply to third party services?

The rules on the accessible provision of goods or services to third parties exist to help ensure that people with disabilities in the organizations receiving the goods or services are not prevented from receiving them.

For example, individuals with disabilities should be able to benefit from the services their organization purchases from a training firm. A retailer whose buyer has a disability should be able to expect that the business services offered by the wholesaler will be accessible to their buyer. If services between organizations are accessible, people with disabilities will have an opportunity to use and benefit from those services.

c. What are the requirements for counting employees under the standard?

The customer service standard applies to all providers of goods or services with at least one employee in Ontario. However, there are additional requirements for providers with 20 or more employees and all providers that are designated public sector organizations. They must prepare and maintain certain types of documents. For more information on these documentation requirements, please see Chapter 11.

Providers must determine if they have one or more employees and, if so, how many.

(i) How do I count my employees?

All full-time, part-time, seasonal and contract employees, regardless of status, must be counted when determining the number of employees an organization has.

An employee is someone in an employee-employer relationship with an employer. An employer needs to determine who is included as an employee based on the individual situation or circumstances. In most situations it is clear whether someone is an employee or not. Usually this will depend on whether you pay the employee wages or a salary, have control over the work assigned to the employee, and have a right to control the details of the work.

You do not include volunteers and independent contractors in the count. However, depending on the work they do for you, they may have to comply with requirements of the standard. Obligated organizations are responsible for ensuring that the services provided by non-employees on their behalf follow the rules of the standard and may need to ensure these individuals are trained.

Example

A charity that works with youth from low-income families has 50 volunteers and three part-time employees. The charity recently entered into a contract with an independent contractor for janitorial services. For the purposes of the customer service standard, this organization has three employees. The volunteers and independent contractor are not employees for the purposes of counting the number of employees. The charity must follow the requirements of the standard, but not the parts that are specific to providers with 20 or more employees.

(ii) What if I am self-employed?

If you are self-employed, either as a sole proprietor or in a partnership, you should not count yourself as an employee in determining how many employees you have. In this situation you and any business partner that you may have are not employees. However, any other individuals who work for you may be considered employees depending on the nature of the relationship.

If you run your own business and it is incorporated, you may be an employee of the corporation along with other employees you have.

Example

Monica and her business partner Rafia run a graphic design company from Monica's home. When they first opened the business, they had no employees, no one else worked with them and they were not incorporated. At that time they did not have to comply with the customer service standard.

Last year they hired Raphael to work with them. Therefore, they had one employee and had to comply with the customer service standard. Next month they will be incorporating the business and they may have three employees: Monica, Rafia and Raphael.

(iii) When do I count the number of employees that I have?

The customer service standard does not set a date when you must count your employees. What you must do under the standard may change during the year, or from one year to the next as the number of your employees changes.

At any point in time that you have one or more employees in Ontario, you must comply with the customer service standard. At any point in time that you have 20 or more employees, you will have to comply with the additional requirements to prepare certain documents explained in Chapter 11.

Example

A snow removal business has 20 part-time employees in the winter and two employees who work full-time throughout the year. For the purpose of the customer service standard, this business has 22 employees in the winter and two in the summer. In the winter, it must follow all of the rules of the standard, including the requirement to keep documents and provide them on request. In the summer, when it has fewer than 20 employees, it is bound by the requirements of the standard, but not the additional requirements on preparing and providing documents.

d. Are there situations where the standard does not apply?

(i) Provision of goods or services under federal jurisdiction

This is an Ontario law. It applies only to the provision of goods or services of providers that are under the jurisdiction of the provincial government. Some providers may have services that are only under federal jurisdiction and they may not be subject to this standard. In other situations, a provider may offer some services that are under federal jurisdiction and some that are under provincial jurisdiction. Such providers should seek advice on their obligations under the standard.

(ii) Services to employees

The customer service standard does not apply to services provided internally within an organization (for example, services to employees or an in-house legal branch of a corporation). It addresses only those provided externally to the public (customers, clients, members, etc.) or other third parties (other businesses, organizations, etc.)

When a person is both an employee and a customer, you must comply with the customer service standard in your role as a service provider, not in your role as an employer. Other laws address the employment relationship and an employment standard is anticipated under the AODA as well.

Example

A university graduate student is employed as a teaching assistant. The student is therefore a university customer and an employee of the university. The university must comply with the customer service standard in the provision of its goods or services to the student, but the standard does not apply to its employment of the student.

(iii) Do my goods have to be accessible?

The standard does not set accessibility requirements for the goods themselves, but rather the way that they are provided to customers. In other words, it is the provision of goods or services to the public or other third parties that must comply with the customer service standard.

Example

A store that carries printed forms and templates for drafting wills must comply with the customer service standard in how it serves its customers and sells those documents. It is not required to provide accessible goods, such as accessible versions of forms and templates.

5. WHAT ARE THE DEADLINES FOR COMPLIANCE?

5

> **Customer Service Standard**
>
> 2. The accessibility standards for customer service apply to the designated public sector organizations on and after January 1, 2010 and to other providers of goods or services on and after January 1, 2012.

a. What are the deadlines for complying with the standard?

The deadlines for complying with the customer service standard are based on the two categories of organizations described in the previous chapter:

January 1, 2010 - for all providers listed or described as designated public sector organizations in subsection 1(2) or in the schedules to the standard.

January 1, 2012 - for all providers with at least one employee that are not designated public sector organizations.

These dates will allow providers to meet the requirements of the standard and train employees, volunteers, independent contractors, and other people who interact with the public on their behalf. It also allows providers to gain experience in providing accessible customer service before they have to comply with the standard.

> **Compliance by January 1, 2010:**
>
> **Example**
>
> The Ministry of Health and Long-Term Care and the City of Greater Sudbury are designated public sector organizations since the first is a government ministry and the second is a municipality. They must meet all of the requirements of the standard by January 1, 2010.

Compliance by January 1, 2010:

Examples

- The Alcohol and Gaming Commission of Ontario and the Fire Safety Commission are designated public sector organizations because they are listed in Schedule 1. They must meet all of the requirements of the standard by January 1, 2010.

- An organization defined as a hospital under the Public Hospitals Act is a designated public sector organization under Schedule 2. It must meet all the requirements of the standard by January 1, 2010.

Compliance by January 1, 2012:

Examples

- A private career college is not a designated public sector organization because it does not fit the definition under the Ontario Colleges of Applied Arts and Technology Act, 2002. It must meet all of the requirements of the standard by January 1, 2012.

- A children's aid society is not a designated public sector organization under the customer service standard. It must meet all of the requirements of the standard by January 1, 2012.

- A non-profit professional organization is an "other" provider of goods or services. It must meet all of the requirements of the standard by January 1, 2012.

- A convenience store is an "other" provider of goods or services. It must meet the requirements of the standard by January 1, 2012.

6. POLICIES, PRACTICES AND PROCEDURES

6

Customer Service Standard

3. (1) Every provider of goods or services shall establish policies, practices and procedures governing the provision of its goods or services to persons with disabilities.

(2) The provider shall use reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

1. The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.

2. The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.

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

(3) Without limiting subsections (1) and (2), the policies must deal with the use of assistive devices by persons with disabilities to obtain, use or benefit from the provider's goods or services or the availability, if any, of other measures which enable them to do so.

The customer service standard has both specific requirements and general requirements. Specific requirements tell providers what they must do and general requirements tell them what they must achieve, but allow them to decide how to go about it. Subsections 3(1), 3(2) and 3(3) of the standard have general requirements about the policies, procedures and practices that you have to establish to direct how you provide goods or services to people with disabilities. The rest of the standard after these subsections deals with specific requirements and policies about them.

a. What are policies, practices and procedures?

The customer service standard sets rules about policies, practices and procedures on providing goods or services to people with disabilities. Policies, procedures and practices may be defined as follows:

Policies – what you intend to do, including any rules for staff

Procedures – how you will go about it or the steps staff are expected to take

Practices – what you actually do on a day-to-day basis, including how your staff actually offer or deliver your services

Many providers of goods or services will already have a range of policies, practices and procedures on how they provide goods or services every day. Such policies, practices, and procedures include everything from how staff interact with customers to what an organization requires customers to do to receive service, to its strategies for advertising. Examples include:

- Policies on design and use of websites for communication and service,
- Procedures for selecting sites for events and on how meetings with clients are conducted, and
- Practices such as how customers must line up and what has to be done before a repaired car is returned to a customer.

Policies, practices, and procedures may range from informal, verbal instructions by a business owner to a staff person, to a wide variety of formal, written corporate directives, policies and procedures that affect customer service in a large organization.

Examples

- A clothing store has a policy and procedure on exchanges or returns of purchased items. These are written, formal policy and procedures.
- A large grocery chain has a procedure on offering and accepting coupons and discounts.
- A small convenience store has written policies on selling lottery tickets, but other procedures and practices such as how to assist customers in finding products, are discussed in person and may not be written down.

b. What policies, practices and procedures have to be established?

The customer service standard requires that all providers of goods or services do the following:

1. Establish policies, practices and procedures on how you will provide your goods or services to people with disabilities. These policies, practices and procedures are in addition to those specifically identified in other sections of the standard.

2. Use reasonable efforts to ensure the policies, practices and procedures on how you will provide your goods or services to people with disabilities are consistent with the principles laid out in the customer service standard. These principles are dignity, independence, integration and equal opportunity.

3. Develop a policy on allowing people to use their own personal assistive devices to access your goods and services and on any situations where such use may not be permitted. Personal assistive devices are such things as walkers, white canes used by people who are blind or who have low vision, note-taking devices and personal oxygen tanks to assist breathing.

4. In addition, your policy should address any measures your organization offers to enable people with disabilities to access your goods and use your services. This may include assistive devices, services or methods you offer such as a scooter with a basket offered in some grocery stores, alternate formats of documents, or assistance of a staff person to complete a form.

The policies, practices and procedures on providing goods or services to people with disabilities can be integrated into your current policies and procedures on providing goods or services or you can create separate policies, practices and procedures. However, integrating accessibility into standard policies, practices and procedures often ensures that they are not overlooked or allowed to become out of date.

Example

A clothing store with changing rooms that were not accessible had a policy that did not allow exchanges or returns. After evaluating whether this policy was consistent with the principles in the customer service standard, the store amended its policy. It now allows people with disabilities to exchange or return items if they were unable to use the store's change room to try on the items.

This requirement does not tell you how to make your services accessible. Rather this section of the standard leaves it up to each organization to determine how to provide its general services in a way that is accessible to people with disabilities. For example, it does not specify that providers must make their premises wheelchair accessible. There may be a range of ways to make services accessible.

Example

The owner of a small store with front steps might decide that she cannot alter the steps in the near future. Instead she considers how else she can meet the needs of those people with disabilities who are unable to use the steps. An option might include installing a door bell in an accessible external location and posting a sign outside the store that the clerk will come out to serve people with disabilities if they ring the bell. The store might also offer to do business by phone.

In developing any policies, practices and procedures for the purposes of this standard, you may also want to include any other legal obligations you have that are relevant such as obligations under the Ontario Human Rights Code.

c. What are the principles?

Customer Service Standard

3. (2) The provider shall use reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

1. The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.

2. The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.

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

Providers must use reasonable efforts to ensure that the policies, procedures and practices they establish because of subsections 3(1) and 3(3) of the standard are consistent with the following principles:

- Dignity
- Independence
- Integration, except when alternate measures are necessary to meet the needs of people with disabilities
- Equal opportunity.

(i) What does "use reasonable efforts to be consistent with the principles" mean?

The principles are key components to achieving accessibility. Being consistent with the principles will help guide an organization in creating policies, practices and procedures that establish accessible services. The standard does not specify what "reasonable efforts" are because they may be different in each situation.

There is no single way to provide accessibility. Accessibility can often be achieved in a variety of different ways; by changing a procedure or installing an assistive device or simply by considering the needs of people with disabilities when you create services.

Each organization needs to consider how they can provide goods or services to people with disabilities in light of their services, type of organization, resources and the options available for providing accessibility. In addition, what works best now may change over time and an alternate method might work better for the organization in the future.

Building accessibility into decision-making processes, short- and long- term planning, purchasing, and development of new systems or services, will help to ensure costly accessibility mistakes are not made nor that unintentional barriers to people with disabilities are created.

If there are accessibility measures that an organization wishes to use but can't make at the current time, they should plan for future implementation, and use other methods of providing accessibility in the short-term.

Examples

A customer who is blind and reads Braille may need to know exactly what is on her bill but be unable to read a print copy. Different organizations may approach this situation in a range of ways.

At a small coffee shop, a waiter or cashier might read the bill to the person. A florist shop might offer to read a bill by phone. A mid-sized utility company might offer monthly bills in Braille to customers who register for the service and then might hire another company to print and send the Braille bills. A larger utility with more customers who use Braille and in-house technical expertise might determine that it is more cost effective to purchase equipment that lets the utility create its own monthly bills in Braille and may also offer an accessible website that allows bill viewing and payment online.

A person with severe arthritis is unable to stand in a line-up for a length of time due to their disability.

A store with long line-ups at the cash register might offer a chair to the side and then serve the person in their order in the line. A non-profit service agency might offer to complete an intake form by phone rather than having the person travel to their site. A municipal office might install a separate service counter with a chair if putting a chair near the waiting line would result in blockage to the fire exit. A provincial ministry may be able to offer online service.

As you plan your policies, practices and procedures consider whether they address the principles which are each explained below.

(ii) What does the principle of dignity mean?

Policies, procedures and practices that respect the dignity of a person with a disability are those that treat them as customers and clients who are as valued and as deserving of effective and full service as any other customer. They do not treat people with disabilities as an afterthought or force them to accept lesser service, quality or convenience. Service delivery needs to take into account how people with disabilities can effectively access and use services and show respect for these methods.

Examples

- A person with a disability seeks assistance at a government office. When he is asked for identification he slowly and carefully pulls out his wallet and begins to locate his identification. The individual at the counter offers him assistance. When he indicates that he does not require help, the individual at the counter does not rush him and allows the line behind him to get longer because of the delay. By respecting his wishes and not interfering with the man's efforts to get his wallet and identification on his own, the organization is respecting the dignity of this person.

- A museum's phone lines are usually answered in person. The museum has a TTY (Telephone Teletype) device for use by people who are Deaf or who have a speech impairment. However, the TTY line is left on its answering machine and the messages are only checked and responded to once a day. In this example, the customers who contact the museum using a TTY are expected to accept lesser service than people who use a telephone. This does not respect their dignity and does not meet the requirements of the customer service standard.

(iii) What does the principle of independence mean?

In some instances, independence means freedom from control or influence of others – freedom to make your own choices. In other situations, it may mean the freedom to do things in your own way. People who may move or speak more slowly should not be denied an opportunity to participate in a program or service because of this factor.

A staff person should not hurry them or take over a task for them if they prefer to do it themselves in their own way.

Examples

- A clerk is helping a customer to buy lemonade which is served in a thin paper cup. The customer paying for the drink has very short arms. The clerk tries to hand the drink to the customer's companion. If this customer had asked for this service, this would be acceptable. Making the assumption that the customer can't handle the drink himself does not respect his independence. While paying, the customer asks the clerk to serve the drink in a double cup to strengthen the sides. He is then able to take the drink from the counter using his arms and by holding it against his chest.

- A person with a developmental disability wishes to get a divorce from his wife. His mother drives him to a lawyer's office and then sits in the waiting area while her son approaches the reception desk to explain why he is there. When the client explains that he has an appointment with a lawyer to discuss a divorce, the receptionist ignores him and asks his mother which lawyer he has an appointment with and if it is true that he wants a divorce. By ignoring the client with a disability and instead speaking to his mother, the receptionist has not followed the principle of independence.

(iv) What does the principle of integration mean?

Integrated services are those that allow people with disabilities to fully benefit from the same services, in the same place and in the same or similar way as other customers. Integration means that policies, practices and procedures are designed to be accessible to everyone including people with disabilities.

Sometimes integration does not serve the needs of all people with disabilities. In these cases it is necessary to use alternate measures to provide goods or services. Alternate measures are ways of serving people with disabilities that are not completely integrated into the regular business activities of the organization. It might be that goods or services are provided to people with disabilities in a different place or in a different way than other customers. For example, using TTYs or e-mail to communicate with customers who are Deaf or have speech impairments is one way of offering phone services to them.

Alternative measures, rather than integration, might be necessary because the person with a disability requires it or because you cannot provide another option at the time. If you are unable to remove a barrier to accessibility, you need to consider what else can be done to provide services to people with disabilities.

Example

A bookstore provides services only through the Internet and doesn't have a physical location. If its website is fully accessible to customers who use screen readers (software that reads text aloud), its services are integrated as customers with low vision, for example, are able to access its goods in the same way as other customers. If the bookstore's website is not accessible to customers who use screen readers, but instead the bookstore makes its telephone customer service centre available to assist customers who have vision disabilities make purchases and review merchandise, it is providing an alternative measure to integration.

(v) What does the principle of equal opportunity mean?

Equal opportunity means having the same chances, options, benefits and results as others. In the case of services it means that people with disabilities have the same opportunity to benefit from the way you provide goods or services as others. They should not have to make significantly more effort to access or obtain service. They should also not have to accept lesser quality or more inconvenience.

Sometimes this may mean that you have to treat individuals slightly differently so that they can benefit fully from your services. Equal opportunity can best be reached by taking steps to ensure that individual needs are taken into account when providing goods or services. Individuals do not have equal opportunity if they cannot have full benefit from your goods or services because of barriers to their access or participation.

Sometimes the principles need to be balanced in order to achieve the outcome that meets the needs of the person with a disability.

Examples

- A bakery advertises its products available for sale through visual displays. If its staff fail to assist people with vision disabilities to understand the variety of products available, they are preventing people with disabilities from having as much information as other customers who benefit from seeing a list of products. The bakery is not acting in accordance with the principle of equal opportunity.

- A coffee shop has a customer with a mental health disability that makes it difficult for him to be crowded by other people. The customer explains his disability-related needs and is offered a table apart from others. This supports the principle of equality of opportunity as it allows him to have the equal opportunity to enjoy his food and drink. While it may appear to be contrary to the principle of integration, it is not, as the person is most integrated by being allowed to sit apart.

d. How should my policies deal with the use of assistive devices?

It is important that providers are prepared to serve people with disabilities. This includes having policies that address the use of personal assistive devices and the availability of other assistive measures. As with the other policies required in Section 3, the standard does not outline what a provider's policies must say. The rule is that your policies address these two topics as they relate to the use of your services and that the policies are consistent with the principles discussed above.

Personal assistive devices are usually devices that people bring with them, such as a walker or a personal oxygen tank. Your policy might be general such as a policy allowing people to use their personal assistive devices to use your services. Some organizations may need to provide specific guidance about certain personal assistive devices so that staff don't make assumptions that the devices would not be allowed on the premises.

Example

Some people with low vision use magnification devices called monoculars to see large screens or other things at a distance. At a seminar or show that restricts recording devices, a staff person might assume the monocular is a recording device and restrict a person from using one. A provider's policy might address this.

If you offer any other assistive measures that enable people with disabilities to use your services (such as assistive devices, services or alternate service methods), you must include information on them in your policies, practices and procedures. Some examples include TTY (Telephone Teletype), amplification systems, services such as real-time captioning, or the assistance of a staff person in reaching products.

Examples

A self-service gas station with several staff on hand has a policy that it will assist drivers with disabilities in pumping their gas. It also posts a sign so that motorists will know about the policy.

A hotel offers manual wheelchairs in case a person's wheelchair breaks down, alarm detectors, amplifiers and TTYs upon request to guests. It posts a sign about the availability of these assistive devices at the front desk and a notice in their hotel services booklet in each room.

e. What if another company provides some of my services?

If you are a provider with responsibilities under the customer service standard, you must ensure that the policies, procedures and practices that govern the provision of your goods or services are compliant with the standard regardless of who is providing the goods or services on your behalf.

For example, a provider may contract or pay another company to provide billing and collections services or delivery and installation services on its behalf. As the provider that contracts to another company you must still ensure the second company fulfills your obligation under the standard. You would need to ensure, for example, that the second

company providing delivery and installation services, meets your obligations under the standard. If the goods or services are provided in Ontario, this applies even if the second company has no staff in Ontario.

Example

An Ontario company has contracted with an overseas company to operate a call centre to respond to customer inquiries. The Ontario company must ensure that the services provided on its behalf by the call centre to customers in Ontario comply with the customer service standard. For example, the Ontario company should make training on the customer service standard available to the call centre to ensure that the call centre staff are fulfilling the Ontario company's requirements under the standard.

f. What must I do when communicating?

Customer Service Standard

3. (4) When communicating with a person with a disability, a provider shall do so in a manner that takes into account the person's disability.

Communication is a process of providing, sending, receiving and understanding information. This section of the regulation is a specific requirement to communicate with an individual with a disability in a way that takes the person's disability into account. This means that you must consider how the disability affects the way that the person expresses, receives or processes communications. The goal is to communicate in an effective way.

Taking someone's disability into account requires you to take that particular individual's needs and circumstances into consideration. Don't make assumptions based on his or her disability. What may be a very effective way of providing information for one person with a disability may not be for another. Different people with the same type of disability may communicate in different ways because of different skills or resources. For example, only a small percentage of people who are blind use Braille. Where possible, it is helpful to ask the person directly how to communicate with them.

(i) What are accessible communications?

Depending on the situation and the person's needs, there are a variety of ways to make communications more accessible. These include:

- Making the original communication more accessible
- Changing the usual method of communication
- Using assistive devices or services.

1) Make the original communication more accessible

Sometimes communication can be made accessible if the needs of people with disabilities were considered during the planning stage of services. Using plain language can help to make a document easier to read for people with certain learning disabilities and including captioning or sign language windows to television advertisements or videos allows many people who are Deaf or hard of hearing to understand these communications.

Example

Internet websites are a key channel of communication for many organizations. Many people with disabilities use computers and the Internet. Some people with disabilities use assistive devices such as screen readers (devices that speak the contents of the screen), speech input systems (which allow you to talk into a microphone to control the computer and enter text) and a variety of other devices to operate their computer. If Internet sites and applications are created in a way that considers how assistive devices operate and how people with disabilities use them, the sites will be accessible to people with disabilities.

2) Change the usual method of communication to meet an individual's need

Communications that occur as part of providing goods or services can occur in a variety of ways such as in person, by phone, online, through print signs, handouts, brochures and through television or media advertisements. A second method of making communications accessible is to offer the information in a different medium. For example, if a staff person in a store needs to communicate with a person who is Deaf or hard of hearing about a product rather than talking, they may want to handwrite or type information back and forth. A written handout of commonly-used information, such as a return policy, might also assist in the communication. This changes the format from a verbal conversation to a communication that uses text.

Other examples include offering alternate formats of print documents such as:

- Large print for people who have low vision;
- Audio format such as cassettes or digital audio format;
- Braille used by some people who are blind or deaf-blind;
- Videos that may be helpful to people with certain learning disabilities; and
- Easy-read, simplified summaries of materials for people with developmental or intellectual disabilities.

In addition, strategies such as offering phone service rather than requiring in person service, or email rather than postal notices are other methods of using alternate channels to provide accessible communications.

3) Use assistive devices or services

There are a variety of assistive devices or services that a provider might want to consider in communicating with customers with disabilities. For example, an amusement park that has glassed ticket booths may want to add amplification devices to the booths to assist people who are hard of hearing. An organization that offers conferences might offer real-time captioning services (on-screen typing of what speakers are saying), sign language interpreters or deaf-blind intervenors upon request so that people who are hard of hearing, Deaf, deafened or deaf-blind may participate effectively in the conference seminars. A government office that provides detailed and sometimes lengthy information by phone might use a TTY to communicate with its clients who are Deaf, hard of hearing, have speech impairments or are deaf-blind.

(ii) Consider the nature of the communication

Finding a suitable communication method may require consideration of the situation or circumstances of the provider and of the person with a disability.

Quite often, a person with a disability will have a range of ways in which they can communicate. Someone who is unable to speak or has difficulty speaking, for example, may use gestures, pen and paper or typing back and forth, when the information being exchanged is simple or straightforward. Other people with speech disabilities may use electronic communication systems, and though it might be difficult to understand the synthetic voice, taking the time to listen carefully or to observe a visual display of the information will often allow effective communication. In some situations, where the information being exchanged is complex, lengthy or very important, it may be more effective to involve someone who can facilitate or interpret the communication.

Where options exist, a provider may use any communication method that takes into account the person's disability in the particular situation.

Examples

- A music studio provides its schedule of classes electronically to a senior with a vision disability so that he can use his computer's screen reader to understand the information. When another customer with a vision disability asks for the schedule in Braille, the studio explains that it does not have it available in Braille, but can provide it electronically. As this customer has an accessible computer and is able to read the electronic document, they accept the offer of an electronic document although it was not their preferred format.

- A hospital provides sign language interpreters to Deaf patients who use American Sign Language (ASL) or langue des signes québécoise (LSQ). When a Deaf patient is admitted who does not understand ASL or LSQ, the hospital learns from her that she is comfortable communicating back and forth in writing or by typing. The hospital is therefore taking into account the patient's disability and preferred method of communicating.

In the case of individuals who have limited options of communication or where ongoing services are required, such as an individual who will be receiving weekly services for an extended period of time, not all providers may be able to meet the communication need. The provider would need to assess the situation and consider all options and resources available to them before making such a decision.

g. What documents are required?

See Chapter 11 for documentation requirements for all designated public sector organizations and other organizations with 20 or more employees.

7. SERVICE ANIMALS AND SUPPORT PERSONS

7

Service animals and support persons are used by people with many different kinds of disabilities. Examples of service animals include dogs used by people who are blind, hearing alert animals for people who are Deaf, deafened or hard of hearing, and animals trained to alert an individual to an oncoming seizure and lead them to safety.

Some people with disabilities rely on support persons for certain services or assistance, such as using the washroom or a person with a speech impairment may use a support person to facilitate communication. A support person may be a paid professional, a volunteer, a family member or friend of the person with a disability. A more specific definition of each term is provided below.

a. Does this section apply to you?

Customer Service Standard

4. (1) This section applies if goods or services are provided to members of the public or other third parties at premises owned or operated by the provider of the goods or services and if the public or third parties have access to the premises.

The rules in the customer service standard about service animals and support persons apply only to providers that own or operate premises. They apply only to those areas of the premises that the public or third parties are allowed to access.

b. What does it mean to own or operate premises?

Premises include the buildings, land or grounds where you provide goods or services.

You operate premises if you have control over it and are responsible for determining who is allowed to enter and exit the premises or areas of those premises. Providers who rent or lease their facilities have control over their premises and therefore are operating them.

Example

A community centre that rents space in a neighbourhood shopping mall must follow the customer service standard's rules on service animals and support persons. The shopping mall must also follow the rules on service animals and support persons because it is providing a service to the public and third parties (its tenants).

c. When do the public or third parties have access to premises?

The requirements of the standard only apply to those areas of the premises where the public or third parties customarily have access. You do not have to let anyone with a service animal or support person into places or areas where the public does not have access. This would include a restaurant's kitchen and a hospital's operating room and intensive care units.

Premises are considered open to the public even if they are only open to those people who have paid an admission fee, are members, or have met certain eligibility or entrance requirements.

Examples

An accountant who works for an accounting firm and sometimes works from home does not have to follow the customer service standard's rules on service animals and support persons when working at home unless the public has access to her home for service. The rules on service animals and support persons apply to the areas of her downtown accounting office that are open to the public for appointments with accountants.

A university's outdoor spaces, recreation facilities and hallways are open to the public. The classrooms, which only staff and people who have been admitted to the university have access to, are also considered to be open to the public. The rules on service animals and support persons apply to all of these areas of the university's campus.

Example

A jewelry maker with two employees who sells his jewelry through a catalogue to stores is not required to follow the customer service standard's rules on service animals and support persons as he does not own or operate premises where he is providing goods to the public.

d. What are the rules for service animals?

Customer Service Standard

4. (2) If a person with a disability is accompanied by a guide dog or other service animal, the provider of goods or services shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her unless the animal is otherwise excluded by law from the premises.

The customer service standard requires a provider to ensure that a person is permitted to be accompanied by his or her guide dog or other service animal in the areas of their premises that are open to the public or third parties. This means that the provider must allow the animal onto their premises and allow the person with a disability to be accompanied by the animal.

e. What if the animal is excluded by another law?

There is an exception to the requirement on allowing service animals under the customer service standard and that is when another law specifically states animals must be excluded or when, by operation of another law, the animal is excluded.

Below are examples of laws that exclude animals. These are meant to be examples and do not necessarily cover every situation where an animal would be excluded by law. The provision of "otherwise excluded by law" applies only to this section of the customer service standard.

(i) Where food is prepared, stored or sold

Two examples of laws that specifically exclude animals are regulations under the Health Protection and Promotion Act and the Food Safety and Quality Act, 2001. See Appendix B for the relevant sections of these regulations and for their definition of service dogs.

Ontario Regulation 562 under the Health Protection and Promotion Act states that animals are not allowed in places where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale. It does make an exception for service dogs to allow them to go where food is normally served, sold or offered for sale. Other types of service animals are not included in this exception.

Similarly, Ontario Regulation 31/05 under the Food Safety and Quality Act, 2001 states that animals not intended for slaughter or to be euthanized are not allowed in any area or room of a meat plant. It also makes an exception for service dogs to allow them in those areas of a meat plant where food is served, sold or offered for sale to customers and in those areas that do not contain animals or animal parts and are not used for the receiving, processing, packaging, labeling, shipping, handling or storing of animals or parts of animals.

Examples

- A restaurant must allow a patron to eat in its facility with his or her service dog as long as this does not conflict with another law.
- A charity runs a cooking class to help people with disabilities develop the skills necessary to live independently. It does not allow service animals into its kitchen classroom as this is a place where food is prepared and stored. Instead, the charity offers people with service animals a safe place where their animals may wait during the class. At the same time, it offers the assistance of staff as sighted guides to individuals attending the class without their service animals.
- A meat processing plant is regularly visited by a grocery store representative who has a service dog. The processing plant allows the service dog to accompany the grocery store representative into the offices of the plant where the plant deals with other third parties and where no animals or animal parts are processed or stored. However, he cannot bring his service dog onto the floor of the plant.

(ii) Health and safety requirements

There may be rare circumstances where, for the reasons of health and safety of another person, allowing a person with a disability to enter a premises and be accompanied by their service animal needs to be considered. In the rare situation where another person's health and safety could be seriously impacted by the presence of a service animal on premises open to the public, a provider should fully analyse all options for safely allowing the service animal. In general, people with allergies to animals are affected if they touch the animal or are in very close proximity for a lengthy period of time. Some of the options to consider may be creating distance between two individuals, eliminating in-person contact, changing the time the two receive service, using air purifiers and any other measures that would allow the person to use their service animal on the premises. The organization must consider all relevant factors and options in trying to find a solution that meets the needs of both individuals.

Example

A large school has a student who uses a service dog and a teacher with the disability of a severe allergy to animals. In deciding how to allow the student to be accompanied by the animal while respecting the teacher's disability, the school considers the requirements of both individuals.

After learning about the specific needs of both individuals, the school decides that the best option was to ensure that the two individuals were in classrooms on different floors at opposite ends of the school so that the teacher with the severe allergy would not come into direct contact with the service animal. Additional arrangements were made about common areas such as the library. After exploring all the options available, the service animal did not need to be restricted from entering the premises in this situation.

(iii) Laws restricting animal breeds

Some municipalities may have by-laws restricting certain breeds of animals or dogs from the municipality. There is a similar provincial law called the Dog Owners' Liability Act. Depending on the language of the law, it may be another example of where a certain breed of animal would be otherwise excluded by law, even if the animal is acting as a service animal. For more information, you will need to check the specific law with your local municipality.

f. How do I serve someone if their animal is excluded by law?

> **Customer Service Standard**
>
> 4. (3) If a service animal is excluded by law from the premises, the provider of goods or services shall ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the provider's goods or services.

Where an animal is excluded by law from your premises, you must still take steps to make sure that you can provide your goods or services to the person with a disability. Explain to the individual why the animal is excluded and see what other arrangements can be made to provide them with your goods or services.

If the person with the service animal agrees, this might mean leaving the animal in a secure area where it is permitted by law. It might also mean offering to serve the person outside or in another location where the animal is permitted.

You need to consider the needs of the person with a disability if his or her service animal is excluded. For example, a person with a vision disability might need someone to guide him or her. The important thing is to ensure that other measures are explored when a person's service animal is excluded.

g. What are the rules about support persons?

> **Customer Service Standard**
>
> 4. (4) If a person with a disability is accompanied by a support person, the provider of goods or services shall ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises.

If you own or operate premises, you must allow a person with a disability to be accompanied by his or her support person while in those areas of the premises that are open to the public or other third parties.

In some cases a support person may have to agree to rules or requirements that are specific to the kinds of goods or services that you provide. Where confidentiality is important because of the kinds of information discussed, you may require the support person to sign a confidentiality agreement.

Example

A person with a disability goes to her doctor's office along with her support person. Before discussing confidential information in front of the support person, the doctor seeks the consent of the person with a disability.

h. When is it necessary to require a support person?

Customer Service Standard

4. (5) The provider of goods or services may require a person with a disability to be accompanied by a support person when on the premises, but only if a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises.

Most providers will not encounter situations where they would require a person with a disability to be accompanied by a support person. However, in certain situations it may be necessary. This would only occur where, after consultation with the person with the disability, requiring a support person is the only means available to allow the person to be on the premises and, at the same time, fulfill the provider's obligations to protect the health or safety of the person with a disability or of others on the premises.

This subsection of the standard only applies to premises owned or operated by the provider as explained earlier in this chapter.

(i) Accepting personal risk

People with disabilities are free to accept a reasonable risk of injury to themselves just as other people do. Different individuals will have a different tolerance for risk. Risk should be weighed against any benefit for the person with a disability.

Example

A teenager who is blind is taking acting classes through a performing arts school. The school is concerned about the teenager performing in the year end play because they are worried that he might fall off the stage. The teenager asks for an orientation to the stage prior to the rehearsals so he is aware of the edge of the stage and location of the props during each scene. He explains that as all actors move around the stage in the dark between scenes, he is at no greater risk than the other actors. He also says that he accepts a greater risk on a daily basis when he travels in the city.

The performing arts school allows him to participate independently. In this case, the benefit of performing is significantly greater than the risk of falling off the stage.

(ii) What is a health and safety risk that would require a support person?

It is not enough that the support person might help to protect health and safety; a support person must be necessary or essential to protect health and safety before you can require one – the risk cannot be eliminated or reduced by other means.

Consider whether you should require the attendance of a support person in the following situations:

1. When there is a significant risk to the health and safety of the person with a disability or others (the mere possibility of risk is insufficient);

2. That risk is greater than the risk associated with other customers;

3. That risk cannot be eliminated or reduced by other means;

4. The assessment of the risk is based on consideration of the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm; and

5. The assessment of the risk is based on the individual's actual characteristics, not merely on generalizations, misperceptions, ignorance or fears about a disability.

Example

A child with a physical disability who requires assistance transferring from her wheelchair, toileting assistance and other personal care will attend an overnight camp with her church youth group. Although the child does not need assistance at the youth group, she will require assistance at the overnight camp. The lifting and toileting activities would not be safe for the church group leaders to perform as they are not trained in proper techniques and may not have the physical fitness to do so safely. The youth group leaders require that a support person be provided – this is considered necessary under the standard because of possible health and safety risk. They offer to cover the cost of the support person even though this is not required under the customer service standard.

Any considerations on protecting health or safety should be based on specific factors and not on assumptions. Just because someone has a disability doesn't mean they're not capable of meeting health or safety requirements.

Examples

A swimming pool has a policy that only individuals who can swim may enter the deeper parts of the pool. A person with Down syndrome comes to the pool. The lifeguards do not assume that the person is unable to meet the requirements for swimming in the deep end of the pool unless they notice that the person is posing a health or safety risk to themselves or others in the pool. This judgement of safety risk is made for every swimmer in the pool. In this case, the person with Down syndrome is a competent swimmer and there is no health or safety risk.

A movie theatre is under renovation and the floor is uneven. The manager explains the situation to a patron who uses a wheelchair, rather than making any assumptions that the person would require a support person to use the premises. The person using the wheelchair inspects the uneven area and determines they will be able to manage independently and proceeds to enter the theatre.

Example

A movie theatre is under renovation and the floor is uneven. The manager explains the situation to a patron who uses a wheelchair, rather than making any assumptions that the person would require a support person to use the premises. The person using the wheelchair inspects the uneven area and determines they will be able to manage independently and proceeds to enter the theatre.

i. What if I charge admission to my premises?

Customer Service Standard

4. (6) If an amount is payable by a person for admission to the premises or in connection with a person's presence at the premises, the provider of goods or services shall ensure that notice is given in advance about the amount, if any, payable in respect of the support person.

The standard requires that you provide notice, in advance, of the admission cost for support persons so that customers with disabilities know what to expect.

People with disabilities who use a support person are often unable to attend places or participate in activities without that support person. Thus, to participate in activities where each individual pays a fee, the person with a disability may be paying twice, i.e., for him or herself and for the support person.

The customer service standard does not require that you allow support persons in for free or at a reduced fare. It allows the decision on admission fees to be made by each provider. Some providers in Ontario waive admission fees or reduce them for support persons entering a venue in support of a person with a disability.

Example

A dinner theatre posts a notice on its website and at its ticket window stating that support persons will not be charged if they are not consuming food during the show. The notice states that support persons will be charged half of the usual price if they wish to eat the meal provided.

Example

A small county fair posts a sign in its ticket booth to notify its patrons when they are purchasing admission tickets that support persons will be charged the full rate. This information is also included on all posters and signs of the county fair that note the admission fee.

j. What documents are required?

See Chapter 11 for documentation requirements for all designated public sector organizations and other organizations with 20 or more employees.

k. How are service animals and guide dogs defined?

Customer Service Standard

4. (8) In this section,

"guide dog" means a guide dog as defined in section 1 of the Blind Persons' Rights Act; ("chien-guide")

"service animal" means an animal described in subsection (9); ("animal d'assistance")

4. (9) For the purposes of this section, an animal is a service animal for a person with a disability,

(a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or

(b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

Blind Persons' Rights Act Section 1. (1) "guide dog" means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations.

A guide dog is a dog that has been trained at one of the facilities listed in Ontario Regulation 58 under the Blind Person's Rights Act to act as a guide dog for people who are blind.

The customer service standard's provisions also apply to other service animals, including animals used by people with autism, mental health disabilities, those with physical or dexterity disabilities as well as others. To be considered a service animal under the standard, it must either be readily apparent that the animal is being used because of a person's disability or the person with a disability must be prepared to show a letter from a doctor or nurse confirming that it is required for reasons relating to his or her disability.

(i) Readily apparent

It is "readily apparent" that an animal is a service animal when it is obvious by its appearance or by what it is doing. For example, it may be readily apparent that an animal is a service animal if it is wearing a harness, saddle bags, a sign that identifies it as a service animal or has a certificate or identification card from a service animal training school or an identification card from the Attorney General of Ontario. It may also be readily apparent if a person is using the animal to assist him or her in doing things, such as opening doors or retrieving items.

Example

A fitness gym has a customer who is blind and uses a guide dog to navigate the gym. The gym allows the customer and his dog to use its facilities without any documentation as the individual is obviously using the dog because of his disability.

(ii) A letter from a doctor or nurse

Where an animal is not a trained guide dog and it is not readily apparent to an average, informed person that the animal is a service animal, you may ask the person using the service animal for a letter from a doctor or nurse that says the animal is needed because of a disability. The letter need only explain that the animal is required because of a disability. The letter does not need to identify the disability, why the animal is needed or how it is used.

If an animal is a guide dog you should also refer to your obligations under the Blind Persons' Rights Act.

In some circumstances, such as where you are providing ongoing service to a person with a service animal or in other special circumstances, you may wish to maintain a copy of the letter. You should only keep a copy of the letter when necessary and only for as long as necessary. You should be mindful of the privacy issues that may arise from collecting this information and obligations that you may have with respect to this type

of information under other applicable laws (for example, Freedom of Information and Protection of Privacy Act, the Municipal Freedom of Information and Protection of Privacy Act, the Personal Health Information Protection Act, 2004).

Examples

- A school has a student with epilepsy whose parents want her to be able to bring her service dog to school with her. They indicate that the dog is necessary for her safety as it warns of oncoming seizures. After receiving a note from the child's doctor indicating that she requires the dog because of her disability, the school keeps the note confidential and allows her dog to go to class with her.

- A man who is Deaf wishes to check into a bed-and-breakfast with a hearing ear dog. The bed-and-breakfast has a no pets policy. The man explains that the dog alerts him to sounds in his environment, which allows him to answer the door or respond to emergencies. After reviewing a letter from a doctor that confirms that the animal is necessary because of his disability, the bed-and-breakfast allows him to bring the dog.

I. Who is a support person?

Customer Service Standard

4. (8) "support person" means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

A support person is an individual hired or chosen by a person with a disability to provide services or assistance with communication, mobility, personal care, medical needs or with access to goods or services. Personal care needs may include, but are not limited to, physically transferring an individual from one location to another or assisting an individual with eating or using the washroom. Medical needs may include, but are not limited to, monitoring an individual's health or providing medical support by being available in the event of a seizure.

The support person could be a paid personal support worker, a volunteer, a friend or a family member. He or she does not necessarily need to have special training or qualifications.

Examples

- An office that usually does not allow other people to be present when it asks questions because of privacy concerns allows a man who uses a Bliss Board (a board with symbols on it) for communication to bring a speech facilitator with him who can interpret his use of the Bliss Board.

- A woman with non-visible multiple sclerosis is accompanied by her husband when shopping because as she walks through the shopping mall, she gradually becomes more tired and begins to experience greater symptoms that require her to have a support person with her.

8. DISRUPTIONS IN SERVICE

8

Customer Service Standard

5. (1) If, in order to obtain, use or benefit from a provider's goods or services, persons with disabilities usually use particular facilities or services of the provider and if there is a temporary disruption in those facilities or services in whole or in part, the provider shall give notice of the disruption to the public.

(2) Notice of the disruption must include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available.

(3) Notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider of goods or services, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances.

If you have facilities or services that people with disabilities need to use to access your goods or services, then you must provide public notice when those facilities or services are temporarily unavailable or if they are expected to be temporarily unavailable in the near future. This notice is important to people with disabilities because they often go to a lot of trouble to access your goods or services. For example, they may book accessible transit, or arrange for someone to drive them.

a. What temporary disruptions do I have to provide notice for?

People with disabilities may rely on certain facilities, services or systems in order to access your goods or services. Escalators and elevators, for example, are important to people with mobility disabilities because that may be the only way they can reach your premises. You may also have other systems and services designed to meet the needs of people with disabilities, such as accessible washrooms, amplification systems, and note-taking or TTY services. Basically, you must provide a notification of disruption for any location, technology or method that a person with a disability must use in order for your

goods or services to be accessible to them. You must provide notice of all disruptions, even those that you did not expect. If you know ahead of time that a disruption will occur, provide notice a reasonable time in advance. When a disruption occurs unexpectedly, such as when technology breaks down, you must still provide notice as soon as possible.

Example

An Employment Resource Centre has a staff member who acts as an American Sign Language (ASL) interpreter when customers who are Deaf seek access to its services. When this staff member is sick, the centre contacts any Deaf customers scheduled to come to its offices in advance to inform them of the disruption to ASL services, how long the service will likely be unavailable, and what alternative arrangements can be made. The centre also ensures its customer service representatives are informed of this disruption so that they can let customers seeking ASL interpretation know about the disruption.

b. What if all of our services are disrupted?

Generally, disruptions to all of your services, such as during a power outage or during a labour dispute, do not require this special notice. However, if the disruption has a significant impact on people with disabilities, you should provide notice of the disruption.

Examples

A school's educational assistants have gone on strike. As this has high impact on the support services available to students with disabilities, the school notified parents of the disruption when it first believed the strike would take place. The school informed parents of what alternative arrangements were available to these students during the strike.

A gas station undergoing construction posted a notice indicating that it was closed. It is not required to provide any notice under the customer service standard because the disruption is to its services generally and has no special impact on the way that people with disabilities normally access its services.

c. How do I provide notice of a temporary disruption?

Once an unplanned disruption has been identified, notice should be provided as soon as possible about the reason for the disruption, how long it is expected to last, and what alternative facilities or services exist, if any. If the disruption is planned, such as elevator maintenance, the notice should be provided in advance and include the same information.

The notice must indicate any alternatives that exist to allow people with disabilities to access your goods or services during the disruption. Such alternatives might include using a telephone relay service instead of TTY, an alternative route where a ramp or elevator is not available, or asking customers with disabilities to let you know when they will be coming so that you can help them outside of your facilities. You do not need to publicize this information through newspapers or other media. However, it should be posted where people are likely to find it, for example, on the door to your premises, on your website, or by any other reasonable method that would get the information to people with disabilities seeking to access your services.

Examples

- A shopping mall has scheduled maintenance on one of its elevators, and it will be unavailable for two days. The mall posted the planned disruption on its website a week in advance and posted a sign by the elevator the day before the disruption. These notices explain the reason for the disruption, its expected length and that an alternative elevator is available in another portion of the mall.

- A small store is doing seasonal maintenance that blocks access to its ramp for a few days. It does not have a website and has posted a sign next to the ramp indicating why it is not available and for how long. It also indicates that the store's employees would be happy to serve the customer outside the store. The notice gives the store's phone number and invites customers who wish products to be brought outside to call the store if they would like this service.

d. What documents are required?

See Chapter 11 for documentation requirements for all designated public sector organizations and other organizations with 20 or more employees.

9. TRAINING

9

a. Who must be provided with training?

Customer Service Standard

6. (1) Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.

2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties.

The customer service standard requires providers to train staff on providing customer service to people with disabilities. This training must be given to everyone in your organization who deals with members of the public as well as other third parties who act on your behalf. Training must also be given to everyone who develops policies, procedures and practices for you about the provision of goods or services to the public or other third parties. Those who must be provided with this training include employees, volunteers, agents and contractors and others who could reasonably be expected to:

- Interact with the public on your behalf; or
- Influence the development of policies, practices and procedures.

Determining which employees to train should not just be based on a person's job description. It should be based on what the person does in practice on a regular basis. Mall security guards may not have public interaction in their job description, but if they assist with lost children, address disturbances or provide directions when asked, they interact with the public.

Examples

- A government office provides an online training course on accessible customer service to staff members who are responsible for developing, approving and reviewing policies on providing goods or services to the public.

- A charity that uses volunteer security officers for fundraising events provides them with training by giving them a handout on accessible customer service because they will likely have interaction with the public.

- A transit agency provides training on accessible customer service to its cleaning staff because they are often stopped and asked for directions. This training is part of its usual training program for new cleaning staff. The agency does not train its maintenance staff. Based on its past experience, they know that these staff members have little interaction with the public.

- An Ontario company contracts out its call centre to an overseas business. The company has developed a video training program on accessible customer service. The company ensures that the call centre staff receive training, even though they are overseas. The Ontario company is covered by the standard because they provide services in Ontario and have at least one employee in Ontario.

b. Does management need training?

Training must be provided to everyone who is involved in developing policies, practices and procedures on providing goods or services. This includes management and senior leaders of an organization even though they may not be directly involved in providing goods or services to people with disabilities. If they direct, monitor or evaluate policies on how goods or services are provided, it is important that they too understand those areas that must be covered in the training.

All staff in the same organization do not need to be provided with exactly the same training, as long as it complies with the requirements of the standard. The training provided to management could be provided in a different format than the training that is provided to front-line staff.

Examples

- A president of a grocery store asks a senior manager to develop a training strategy for their company in order to comply with the customer service standard. The president is responsible for approving all company policies and procedures related to the provision of goods or services to the public. In developing his strategy, the senior manager considers which staff should participate in the training including whether or not senior managers and the president participate in developing policies, procedures and practices. He also considers what format of training is appropriate for the various levels of employees that will be participating.

- In a government ministry, policies and procedures on accessible customer service must receive approval from the manager, director and assistant deputy minister before they can be implemented. These individuals, as well as those who develop the policies and procedures, must receive training under the customer service standard.

c. What training must be provided?

Customer Service Standard

6. (2) The training must include a review of the purposes of the Act and the requirements of this Regulation and instruction about the following matters:

1. How to interact and communicate with persons with various types of disability.

2. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.

3. How to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods or services to a person with a disability.

4. What to do if a person with a particular type of disability is having difficulty accessing the provider's goods or services.

The customer service standard does not state how the training should be provided. It could be a separate training program specifically about customer service to people with disabilities, or part of a larger training program as part of orientation. The training could be provided through handouts at an orientation session, through a mandatory online module, in a classroom setting, or other formats.

Regardless of format, the training must cover the following:

1. Review of the purposes of the AODA and requirements of the customer service standard;

2. Instruction on how to interact and communicate with people with various types of disabilities;

3. Instruction on how to interact with people with disabilities who use assistive devices or require the assistance of a guide dog, other service animal or a support person;

4. Instruction on how to use equipment or devices available at your premises or that you provide otherwise, that may help people with disabilities access your services, such as TTY telephones, elevators, lifts, accessible interactive kiosks or other technology; and

5. Instruction on what to do if a person with a disability is having difficulty accessing your services.

In this context, information on interacting and communicating includes information on the different ways that people with disabilities may communicate. They may communicate using sign language, augmentative/alternative communication (such as gestures, boards with symbols on them, or computer programs of speech), through intervenors, by TTY (Telephone Teletype), or many other ways. It would also include information on appropriate ways of communicating with people with disabilities.

Instruction on equipment and interacting with people with disabilities includes basic information on using the equipment and appropriate and inappropriate ways of interacting with people using assistive devices, service animals and support persons.

Instruction on what to do if a person with a disability is having difficulty accessing your services includes asking the person how he or she can be accommodated and what alternative methods of service provision would be more accessible. In addition, the employee should be made aware of your policies, practices and procedures about the provision of goods or services to people with disabilities.

d. When must the training be provided?

Customer Service Standard

6. (3) The training must be provided to each person as soon as practicable after he or she is assigned the applicable duties.

(4) Training must also be provided on an ongoing basis in connection with changes to the policies, practices and procedures governing the provision of goods or services to persons with disabilities.

Training must be provided to all current employees, volunteers, contractors and others who must receive training by the date that you are required to comply with the standard, which is either January 1, 2010 for designated public sector organizations or January 1, 2012 for all other organizations. From those dates forward, training must be provided as soon as practicable after an individual has been assigned duties that include interaction with the public, or development of policies, practices and procedures related to customer service.

If your policies, practices or procedures on the provision of goods or services to people with disabilities change, you must provide updated training to those individuals who require such training as soon as practicable.

Training is provided as soon as practicable if it is provided as soon as it can be done in the circumstances after someone is hired or changes positions, and when your policies, practices and procedures change. You must not wait for a long period or until it is convenient as that would not be providing training as soon as practicable.

Example

A fast food restaurant hires new employees every month and provides them with a standard training program in small groups. Within this program, the company incorporates the required elements of the provision of goods or services to people with disabilities. When changes are made to the company's policies, practices or procedures on providing services to people with disabilities, it includes current employees in this portion of training delivered to new employees.

Example

A community agency providing in-home healthcare services has few employees who interact with the public because most of the people who work with the public are on contract as self-employed individuals. As part of its contract with these individuals, the organization requires them to participate in the first accessible customer service training provided after they start working for the agency. In the short-term, when a new person starts working with the agency, they are required to read and keep a handout that covers all the elements of training required by the standard. In-person training programs are offered quarterly.

e. What documents are required?

See Chapter 11 for documentation requirements for all designated public sector organizations and other organizations with 20 or more employees.

f. What do I include in a record of training?

Customer Service Standard

6. (6) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

Subsection 6(6) of the standard requires all designated public sector organizations and every other provider with 20 or more employees to keep records of the training provided. The record should include the dates that training is provided and the number of individuals who received the training.

10. FEEDBACK PROCESS

10

a. What kind of feedback process is required?

> **Customer Service Standard**
>
> 7. (1) Every provider of goods or services shall establish a process for receiving and responding to feedback about the manner in which it provides goods or services to persons with disabilities and shall make information about the process readily available to the public.
>
> (2) The feedback process must permit persons to provide their feedback in person, by telephone, in writing, or by delivering an electronic text by email or on diskette or otherwise.
>
> (3) The feedback process must specify the actions that the provider of goods or services is required to take if a complaint is received.

The customer service standard requires that providers set up a feedback process so that anyone can comment on the provision of goods or services to people with disabilities. Information on the process must be readily available to the public.

The process that is set up must indicate what actions you will take after you have received a complaint. You may determine your own process for responding to complaints as the customer service standard does not require you to follow any particular process.

However, the customer service standard specifically requires that the process allow feedback to be provided in at least one of the following ways: in person (orally), by telephone, in writing, electronically by diskette or e-mail, or otherwise. While the standard doesn't specify the format of the feedback process, you should bear in mind that subsection 3(4) of the standard requires that when you communicate with a person with a disability that you take into account the person's disability. In your planning you may want to consider that people with various disabilities may need to use your feedback mechanism.

b. What documents are required?

See Chapter 11 for documentation requirements for all designated public sector organizations and other organizations with 20 or more employees.

11. DOCUMENT REQUIREMENTS

11

This chapter explains several requirements related to specific obligations to prepare documents, provide notice that the documents are available, and to provide the documents in a way that considers the communication needs of the person with a disability.

a. What organizations must comply with these document requirements?

The obligations outlined in this chapter apply only to:

- Designated public sector organizations, and
- Other providers with 20 or more employees.

Providers must comply with documentation requirements by the date the standard applies to them:

- **January 1, 2010** for designated public sector organizations
- **January 1, 2012** for all other providers with 20 or more employees.

To determine whether or not your organization has 20 or more employees, please refer to Chapter 4.

b. What documents are required under the standard?

Customer Service Standard

Establishment of policies, practices and procedures

3. (5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures and, upon request, shall give a copy of a document to any person.

Customer Service Standard

Use of service animals and support persons

4. (7) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures with respect to the matters governed by this section and, upon request, shall give a copy of a document to any person.

Customer Service Standard

Notice of temporary disruptions

5. (4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document that sets out the steps to be taken in connection with a temporary disruption and, upon request, shall give a copy of the document to any person.

Customer Service Standard

Training for staff, etc.

6. (5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its training policy, and the document must include a summary of the contents of the training and details of when the training is to be provided.

Customer Service Standard

Feedback process for providers of goods or services

7. (4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its feedback process and, upon request, shall give a copy of the document to any person.

The requirements to prepare documents are from several different areas of the standard. Providers should prepare a document or documents that describe the following:

General policies, practices and procedures

1. Policies, practices and procedures governing the provision of your goods or services to people with disabilities, including the use of personal assistive devices by persons with disabilities and any other assistive measures you offer to accommodate their needs;

Service animals and support persons

2. What you will do to ensure that service animals and support persons are allowed entry to those areas of the premises which are open to the public and other third parties.

3. When you may exclude service animals because of another law, if applicable; and the measures you plan to take in those situations to provide your goods and services.

4. If admission is charged, what amount will be charged for support persons;

5. If and under what circumstances you may require a person with a disability to be accompanied by a support person;

Notice of temporary disruptions

6. The steps that will be taken in connection with a temporary disruption, including:

    - under what circumstances notice will be provided about a temporary disruption and where it will be posted;
    - what steps will be taken when an unexpected disruption occurs;
    - information that will be included in the notice of a temporary disruption; and
    - what alternative facilities or services, if any, can be made available during the temporary disruption to continue to provide service to people with disabilities;

Training

7. Your policy on providing training on accessible customer service including:

- a summary of the contents of the training;
- details of when the training is to be provided;

Feedback process

8. Your process for receiving feedback on the manner in which you provide your goods or services to people with disabilities;
9. How you will accept feedback and to whom it should be addressed; and
10. What steps you will take in response to feedback received, including what action you will take if a complaint is received.

(i) How must the information be presented?

It doesn't matter whether you prepare one or multiple documents that address these topics. The customer service standard does not state what form the document(s) must take, the length or level of detail. The information could be in a manual describing all of your policies or in a specific document that only describes those things required under the standard. However, regardless of its length or form, the document must be sufficiently detailed to address the issues required and to verify that you are in compliance with the requirements of the standard.

c. Do I need to notify people about these documents or share them?

Customer Service Standard

8. (1) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall notify persons to whom it provides goods or services that the documents required by this Regulation are available upon request.

(2) The notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances.

If you are a provider that must develop and maintain documents under the customer service standard, you must post the information in a conspicuous place to let your customers know that the documents are available upon request. There is no specific rule about how you must inform the public. You can post the information on your premises, your website or use another reasonable method to ensure customers are aware the information is available.

Examples

- A gardening company posts a notice in its office that its documents and policies under the customer service standard are available to the public by requesting them from the office.
- A college posts a notice on its website and posts signs in its main administrative offices that its documents and policies under the customer service standard are available to the public on their website or by requesting them from the office. If a student with a vision disability is signing up for classes, the clerk lets them know what the sign says.

d. What if a person with a disability wants an alternate format?

Customer Service Standard

9. (1) If a provider of goods or services is required by this Regulation to give a copy of a document to a person with a disability, the provider shall give the person the document, or the information contained in the document, in a format that takes into account the person's disability.

(2) The provider of goods or services and the person with a disability may agree upon the format to be used for the document or information.

People with disabilities use methods other than standard print to access information. These methods are often referred to as alternate formats of documents. For example, many people who are blind and some people with learning disabilities may use cassette tapes or digital audio formats to access information. The standard requires

that providers take into account the person's disability when meeting their request for documents required by the standard.

Some people with disabilities may be able to use the documents in a variety of formats. For example a person who has low vision and has a cassette or digital audio player and computer may be able to use several formats. They may be able to read a large print copy of a document or listen to a cassette tape or digital audio version of the document. They may also be able to read an electronic version (such as a version sent by e-mail or a mailed DVD) using a large print program on their computer. Other individuals, depending on their disability and circumstances, may have only one option. For example a person who is deaf-blind and who does not have access to an accessible computer may only use Braille.

If a person with a disability asks for a document in a different format, you may want to discuss what options they have available to them and then agree on the format you will provide.

12. MORE INFORMATION

12

Compliance resources

For further information that will help providers comply with the customer service standard go to the Ministry of Community and Social Services website at **www.AccessON.ca/compliance**.

To get a copy of the regulation

To view the official wording of the regulation, go to **www.e-laws.gov.on.ca**, and click on "Current Consolidated Law" to do a keyword search for "429/07". Or contact ServiceOntario (listed below) to order a print copy.

For more information or to get this document in an alternate format, contact:

Accessibility for Ontarians with Disabilities Act (AODA)
Contact Centre *(ServiceOntario)*
Toll-free: 1-866-515-2025
TTY: 416-325-3408 / Toll-free: 1-800-268-7095
Fax: 416-325-3407
Website: **www.AccessON.ca**

APPENDIX A

A

Schedule 1

Boards, Commissions, Authorities and Agencies

1. Agriculture, Food and Rural Affairs Appeal Tribunal
2. Agricorp
3. Alcohol and Gaming Commission of Ontario
4. Algonquin Forestry Authority
5. Assessment Review Board
6. Board of negotiation continued under subsection 27 (1) of the Expropriations Act
7. Cancer Care Ontario
8. The Centennial Centre of Science and Technology
9. Child and Family Services Review Board
10. College Compensation and Appointments Council
11. Each community care access corporation as defined in section 1 of the Community Care Access Corporations Act, 2001
12. Consent and Capacity Board
13. Conservation Review Board
14. Criminal Injuries Compensation Board
15. Crown Employees Grievance Settlement Board
16. Custody Review Board
17. Deposit Insurance Corporation of Ontario
18. Echo: Improving Women's Health in Ontario
19. Education Quality and Accountability Office

19.1 eHealth Ontario

20. Environmental Review Tribunal
21. Financial Services Commission of Ontario
22. Financial Services Tribunal
23. Fire Marshal's Public Fire Safety Council
24. Fire Safety Commission

25. Greater Toronto Transit Authority
26. Greater Toronto Transportation Authority
27. Health Professions Appeal and Review Board
28. Health Professions Regulatory Advisory Council
29. Health Services Appeal and Review Board
29.1 Human Rights Legal Support Centre
30. Human Rights Tribunal of Ontario
31. Landlord and Tenant Board
32. Legal Aid Ontario
33. Licence Appeal Tribunal
34. Liquor Control Board of Ontario
35. Each local health integration network as defined under section 2 of the Local Health System Integration Act, 2006
36. McMichael Canadian Art Collection
37. Metropolitan Toronto Convention Centre Corporation
38. Niagara Escarpment Commission
39. Niagara Parks Commission
40. Normal Farm Practices Protection Board
41. Office of the Employer Adviser
42. Office of the Worker Adviser
42.1 Ontario Agency for Health Protection and Promotion
43. Ontario Civilian Commission on Police Services
44. Ontario Clean Water Agency
45. Ontario Educational Communications Authority
46. Ontario Electricity Financial Corporation
47. Ontario Energy Board
48. Ontario Farm Products Marketing Commission
49. Ontario Film Review Board
50. Ontario Financing Authority
51. Ontario Food Terminal Board
52. Ontario French-language Educational Communications Authority
53. Ontario Health Quality Council
54. Ontario Heritage Trust
55. Ontario Highway Transportation Board

56. Ontario Human Rights Commission
57. Ontario Infrastructure Project Corporation
58. Ontario Labour Relations Board
59. Ontario Lottery and Gaming Corporation
60. Ontario Media Development Corporation
61. Ontario Mental Health Foundation
62. Ontario Municipal Board
63. Ontario Northland Transportation Commission
64. Ontario Parole and Earned Release Board
65. Ontario Pension Board
66. Ontario Place Corporation
67. Ontario Police Arbitration Commission
68. Ontario Racing Commission
69. Ontario Realty Corporation
70. Ontario Review Board
71. Ontario Securities Commission
72. Ontario Special Education Tribunal (English)
73. Ontario Special Education Tribunal (French)
74. Ontario Tourism Marketing Partnership Corporation
75. Ontario Trillium Foundation
76. Ottawa Congress Centre
77. Owen Sound Transportation Company
78. Pay Equity Hearings Tribunal
79. Pay Equity Office
80. Province of Ontario Council for the Arts
81. Public Service Grievance Board
82. Royal Ontario Museum
83. St. Lawrence Parks Commission
84. Science North
85. Revoked: O. Reg. 373/08, s.1(2)
86. Social Assistance Review Board
87. Social Benefits Tribunal
88. Soldiers' Aid Commission
89. Trillium Gift of Life Network

90. Walkerton Clean Water Centre
91. Workplace Safety and Insurance Appeals Tribunal
92. Workplace Safety and Insurance Board

Schedule 2

Broader Public Sector

1. Every district school board as defined in section 1 of the Education Act.

2. Every hospital as defined in section 1 of the Public Hospitals Act.

3. Every college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.

4. Every university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.

5. Every public transportation organization in Ontario, including any municipally operated transportation services for people with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,
   i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
   ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
   iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.

APPENDIX B

Excerpts of Health Protection and Promotion Act, R.R.O. 1990, Reg. 562, ss. 59 & 60

59. Every operator of a food premise shall ensure that in respect of the food premise,
…
(e) every room where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale is kept free from,

(i) materials and equipment not regularly used in the room, and

(ii) subject to section 60, live birds and animals;

60. (1) Subclause 59 (e) (ii) does not apply to,
(a) a service dog serving as a guide for a blind person or for a person with another medical disability who requires the use of a service dog, if the service dog is in an area of the food premise where food is served, sold or offered for sale;

(b) live birds or animals offered for sale on food premises other than food service premises where the medical officer of health has given approval in writing for the keeping of the birds or animals on the premises; or

(c) live aquatic species displayed or stored in sanitary tanks on food premises. R.R.O. 1990, Reg. 562, s. 60;

(2) A dog other than a guide dog for the blind is a service dog for the purposes of clause (1) (a) if,
(a) it is readily apparent to an average person that the dog functions as a service dog for a person with a medical disability; or

(b) the person who requires the dog can provide on request a letter from a physician or nurse confirming that the person requires a service dog.

Excerpts of Food Safety and Quality Act, 2001, O. Reg. 31/05, s. 44.

44. (1) Subject to subsections (2) and (4), no person shall permit any animal, other than a food animal that is to be slaughtered or euthanized in accordance with this Regulation, to be in any room or area of the meat plant.

(2) A service dog serving as a guide for a blind person or for a person with another medical disability who requires the use of the dog as a guide is permitted to be in an area of the meat plant,

(a) where food is served, sold or offered for sale to consumers; or

(b) that does not contain food animals and that is not used for the receiving, processing, packaging, labelling, shipping, handling or storing of carcasses, parts of carcasses or meat products.

(3) For the purposes of subsection (2), a dog is a service dog for a person with a medical disability if,

(a) it is readily apparent to an average person that the dog functions as a guide for the person; or

(b) the person can provide, on request, a letter from a physician or nurse confirming that the person requires the use of the dog as a guide.

More Information

Compliance resources

For further information that will help providers comply with the customer service standard go to the Ministry of Community and Social Services website at **www.AccessON.ca/compliance**.

To get a copy of the regulation

To view the official wording of the regulation, go to **www.e-laws.gov.on.ca**, and click on "Current Consolidated Law" to do a keyword search for "429/07". Or contact ServiceOntario (listed below) to order a copy.

Access ON donne accès

For more information or to get this document in an alternate format, contact:

Accessibility for Ontarians with Disabilities Act (AODA) Contact Centre *(ServiceOntario)*
Toll-free: 1-866-515-2025
TTY: 416-325-3408 / Toll-free: 1-800-268-7095
Fax: 416-325-3407
Website: **www.AccessON.ca**