



The Accessibility for Ontarians with Disabilities Act, 2005 and Accessibility Standards for Customer Service

WHAT YOU NEED TO KNOW

Presentation to:

Ontario General Contractors
Association

March 9, 2010

Accessibility Directorate of Ontario
Ministry of Community and Social Services





Purpose of Presentation

To provide an overview of:

- The Accessibility for Ontarians with Disabilities Act, 2005 (AODA)
- Current Status of Standards Development
- Customer Service Standard : Requirements
- Compliance and Reporting
- Resources to Help Your Organizations Comply

To get your ideas on: effective ways to communicate this information to your other members and colleagues



Why is this Important to you?

- Accessibility is not just good practice, **it is the law**. The Accessible Customer Service Regulation is the first of five standards under the AODA, 2005.
- Your organization is committed to “eradicate unfair and discriminatory business practices from the construction industry” – accessibility can be part of this commitment
- You are also committed to your customers and good customer service “OGCA contractors stand apart because of their dedication to safety, education and most important – you, their customer” .
- Your customers, whether members of the public or representatives of other businesses/organizations, include people with disabilities.
- Accessibility benefits all of us: what assistive devices have you used today?



Profile of Disability in Ontario

The numbers

- About 1.85 million people in Ontario have disabilities; that's 15.5% of Ontario's population
- 47.2% of people over 65 have disabilities
- As the population ages, the number of Ontarians with a disability will increase, as will the need for accessibility. By 2025 almost 1 in 5 Ontarians will be 65 or over.



Why is this Important to you?

Accessibility is good business.

- According to a Royal Bank of Canada study, people with disabilities have an estimated spending power of about \$25 billion each year in Canada
- People with disabilities build and renovate, travel, shop and do business with their friends and families in our communities, just like everyone else
- People with disabilities live with, work with and influence the rest of our population- colleagues, family members, business owners and other service providers.
- By learning how to serve people with disabilities, businesses may attract more customers, build customer loyalty and improve services for everyone...**Are you missing out on opportunities?**



Ontario: Canada's Leader on Accessibility

Vision: An Accessible Ontario by 2025

- First jurisdiction in the world to move from legislation which requires individuals to make complaints in order to address barriers for people with disabilities, to legislation which requires most organizations to become accessible to reduce barriers
- Only jurisdiction in the world that requires public and private sector organizations to train their staff on accessible customer service
- Only jurisdiction in Canada to have legislation that sets out a comprehensive 2025 goal of accessibility in the areas that impact on the daily lives of people with disabilities



About the AODA: Purpose

Recognizing the history of discrimination against people with disabilities in Ontario, the purpose of this Act is:

To benefit **all people** in Ontario by:

- Developing, implementing and enforcing accessibility standards on or before January 1, 2025 and
- Involving people with disabilities and representatives of the private, not-for-profit and public sectors in the development of accessibility standards

GOAL: To make Ontario fully accessible by 2025



About the AODA: Definition of Disability

- Same as Ontario Human Rights Code
- Includes visible and invisible disabilities:
 - Broad range of physical disabilities
 - Developmental disabilities
 - Learning disabilities
 - Mental health disabilities
 - Injury of disability for which benefits were claimed or received under the workplace Safety and Insurance Act
- The standard covers disabilities that people may have for a short time, a long time or for their whole life



Types of Barriers

Visible:

- Architectural or structural
- Information/communication

Invisible:

- Attitudes
- Systemic e.g. inaccessible signs on construction sites, refund policy in a clothing store, expectation of high literacy levels in justice system



About the AODA: How is This Being Done?

- Accessibility standards are completed or being developed in five key areas of daily living:
 - Customer Service
 - Built Environment
 - Employment
 - Information and Communications
 - Transportation

 - Inclusive, consensus-based approach to developing proposed standards by involving:
 - People with disabilities
 - Representatives of industries and economic sector
 - Ontario government ministries
 - Broad public consultation

 - Standards Development Committees are expected to develop meaningful, realistic proposed standards
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Standards Development: Current Status

Accessible Customer Service

- The customer service standard, Ontario Regulation 429/07, came into force on January 1, 2008

- Applies to all organizations and businesses in Ontario
 - that provide goods or services to members or the public or other third parties and
 - that have at least one employee

- That's about 360,000 organizations across Ontario



Standards Development: Current Status

Accessible Transportation

- The Transportation Standards Development Committee submitted the Final Proposed Transportation Standard to the Minister in November 2008.
- The Final **Proposed** Standard specifies long-term objectives and technical requirements to prevent and remove barriers to persons with disabilities in the use of passenger transportation services
- It applies to all people or organizations providing, or responsible for, passenger transportation services in Ontario.
- The Final **Proposed** Standard includes areas such as announcements, fares, technical requirements, eligibility for specialized transportation, school buses
- The government is in the process of considering the recommendations made by the Committee, which can be accepted in full, in part, or with modifications.
- The standard is not yet law.



Standards Development: Current Status

Accessible Information & Communications

- Public review of initial proposed standard completed February 2009
- Final proposed standard submitted to Minister June 2009, and posted for public information from August to October 2009
- Focus in final **proposed** standard on:
 - Accessible websites
 - Alternate formats
 - Accessible material and resources in educational institutions
 - Accessible public library collections
 - Requirement to provide accessible alternate formats and communication supports and services for the public and for employees on emergency and public safety information including:
 - Evacuation procedures and information about facility alarms
 - Information about incidents that threaten life, property, operations or the environment and related procedures
- The government is in the process of considering the recommendations made by the Committee, which can be accepted in full, in part, or with modifications.
- The standard is not yet law.



Standards Development: Current Status

Employment Accessibility

- Final **proposed** standard addresses paid employment practices relating to employee-employer relationships throughout employment life cycle including e.g. recruitment, hiring, and retention policies and practices
- Public review of initial proposed standard completed May 2009
- Final proposed standard posted for public information October to December, 2009
- The government is in the process of considering the recommendations made by the Committee, which can be accepted in full, in part, or with modifications.
- The standard is not yet law.



Standards Development: Current Status

Accessible Built Environment

- **Initial proposed** standard addresses access into and within buildings and outdoor spaces and expected to build on Ontario's Building Code
- Public review from July 14, 2009 to October 16, 2009
- Focus in **initial proposed** standard on preventing barriers on a go-forward basis – new buildings and buildings undergoing major renovations
- Final proposed standard is expected to be submitted to the Minister in Spring 2010
- The government will then consider the recommendations made by the Committee, which can be accepted in full, in part, or with modifications.



Customer Service Regulation Overview

- Accessibility Standards for Customer Service Regulation (O. Reg. 429/07) is the first accessibility standard under the AODA. It came into force January 1, 2008 to address the barriers people experience in getting goods and services.

- Applies to all organizations that provide goods or services to the public or other organizations in Ontario and have at least one employee, such as:
 - provincial and municipal governments, including Legislative Assembly of Ontario
 - universities, colleges, hospitals, school boards and public transit organizations
 - provincial agencies listed in Schedule 1 of the regulation
 - private businesses
 - non-profit organizations



Customer Service Regulation Overview

- Timetable for compliance and reporting:
 - Designated public sector organizations were required to comply by **January 1, 2010**, and file a report between January 1 and March 31, 2010
 - Organizations in the private sector, including non-profit, with 20 or more employees must comply by **January 1, 2012**, and file a report in 2012
 - Organizations in the private sector, including non-profit, with one to 19 employees must comply by **January 1, 2012**, but are **exempted from reporting**
- Approximately 60,000 organizations will be required to file a report



Customer Service Regulation Highlights

Requirements cover nine areas:

1. Policies, practices and procedures
2. Training
3. Feedback process
4. Communication
5. Service Animals
6. Support Persons
7. Notice of temporary disruption of service
8. Documenting your compliance with the regulation
9. Reporting

8 and 9 apply to broader public sector organizations and private and not-for-profit organizations with 20 or more employees



Customer Service Regulation Highlights

1. Policy, Practice Procedures Requirements include:

- Set up **policies, practices and procedures** on providing goods or services to people with disabilities
- Make reasonable efforts to ensure that policies, practices and procedures are consistent with the key principles of **independence, dignity, integration and equality of opportunity**
- Have a policy on allowing people to use their own **assistive devices** or other assistive devices, services or methods your organization offers so they can use your services or access your goods



Customer Service Regulation Highlights (cont'd)

2. Training Requirements include:

- Ensure that certain **staff receive training** on how to serve people with disabilities, including staff involved in developing customer service policies, practices and procedures and people who deal with the public or other third parties on behalf of the provider

- Training must include:
 - overview of purposes of the AODA,
 - the requirements of the standard,
 - how to communicate with people with different disabilities and support needs
 - how to use assistive devices
 - What to do if person is having trouble accessing your goods or services



Customer Service Regulation Highlights (cont'd)

3. Feedback Requirements include:

- Set up a process to **receive and respond to feedback**, including what action will be taken on any complaints. Make the information about the feedback process readily available to the public

Steps to Consider Taking to meet Feedback Requirements:

- Determine how you will receive feedback e.g. in person, by telephone, in writing, by email
- Decide how to respond to feedback
- Agree on how to make information about feedback process available to the public



Customer Service Regulation Highlights (cont'd)

4. Communication Requirements include:

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

Steps to Consider taking to Meet Communication Requirements:

- Think about and learn how people with various disabilities communicate (tip sheets at www.AccessON.ca)
- Consider barriers to communication
- Consider approaches for making communication accessible.
- Ask your customer how to communicate with them: How May I Help You?



Customer Service Regulation Highlights (cont'd)

5. Service Animal Requirements include:

- Let people with disabilities bring their **service animals** onto the parts of the premises open to the public or other third parties except where the animal is otherwise excluded by law (for example, a restaurant kitchen)
- Under section 4, subsection 9, an animal is a service animal if:
 - It is readily apparent that it is used by person for reasons related to disability or
 - Person provides a letter from doctor or nurse

Steps to Consider Taking to Meet this requirement:

- Identify those parts of your premises open to service animals
- If service animals are excluded by law, identify other ways for people with disabilities to access your goods or services
- Develop policies, practices and procedures for serving people with service animals.



Customer Service Regulation Highlights (cont'd)

6. Support Person Requirements:

- Let people with disabilities bring their **support persons** with them when accessing goods or services on parts of the premises open to the public or other third parties
- If your organization charges an **admission fee**, let people know ahead of time what, if any, admission will be charged for a support person
- Under Section 4, Sub-section 8, a Support Person means a person who accompanies a person with a disability in order to help with:
 - Communication
 - Mobility
 - Personal care
 - Medical needs or
 - With access to goods or services



Customer Service Regulation Highlights (cont'd)

7. Notice of Temporary Disruptions of Services Requirements

- Let the public know when **facilities or services** that people with disabilities usually use to access their goods and services are **temporarily not available**

Steps to Consider Taking to Meet this Requirement:

- Identify the facilities and services that people with disabilities rely on to access your services
- Prepare a template of a notice including the reason for the disruption, how long the service will be unavailable and alternative facilities or services, if available
- Post the notice where people are most likely to find it e.g. on your website, on your voice mail, by your front door



Customer Service Regulation – Documentation Requirements

Designated public sector organizations, and obligated businesses or organizations with 20 or more employees in the private and not-for-profit sector must:

- ❑ document in writing all their policies, practices and procedures for providing accessible customer service to people with disabilities
- ❑ let customers know that these documents are available on request
- ❑ provide this information to a person with a disability in a format that takes into account his or her disability

These organizations must have a document or documents that includes:

- ❑ general policies, practices and procedures about providing goods or services to people with disabilities
- ❑ policies, practices and procedures on service animals, support persons and assistive devices
- ❑ the steps to take when there is a temporary disruption in services or facilities
- ❑ a training policy
- ❑ a description of its customer feedback process



Accessibility Reporting under the AODA

Filing an Accessibility Report for the Customer Service Standard

- Can be filed on-line through ServiceOntario's website as of January 1, 2010:
www.ontario.ca/en/services_for_business
- ServiceOntario uses an authentication process called One-key to provide a secure on-line identity and access management to Ontario Government programs
- Once registered through ServiceOntario, an organization is able to enrol in the **Accessibility Compliance Reporting (ACR) program**
- Step by step instructions on how to register and file a report are provided on the ServiceOntario website and the Ministry of Community and Social Services website



Accessibility Reporting under the AODA

Filing an Accessibility Report for the Customer Service Standard (cont'd)

Certifier role

- AODA requires accessibility reports be filed by a person with the authority to bind the organization
- The *Certifier*, a designated role on ACR, must confirm that the information provided in the accessibility report is accurate before submitting the report

Administrator role

- The *Administrator* role on ACR provides an organization with the option of having someone other than the *Certifier* access ACR, update information and complete the accessibility report
- The *Administrator* is not able to certify or submit the accessibility report on behalf of the organization

Important dates

- **March 31, 2010:** Deadline for accessibility reporting for broader public sector organizations
- **April 1, 2010:** Commence actions against broader public sector organizations that are not compliant with the customer service standard including organizations who have not filed a report
- **January 1, 2012:** Date when Compliance and reporting for private and not-for-profit sector organizations come into force



Accessibility Reporting under the AODA

- Under the AODA, businesses and organizations covered by a standard are required to file an accessibility report, unless they are specifically exempted by regulation from filing a report
- Reports to be filed on-line, and in a simple checklist format
- Links to compliance materials to be included in the on-line report
- Proposed synchronized reporting across standards so that organizations file one report on all standards which apply to them
- AODA requires obligated organizations to make accessibility reports available to the public



Compliance Improvement

- Inspection and enforcement approach currently under development
- Progressive approach to compliance will be used
- Will identify organizations that require compliance improvement based on reports and risk assessment
- Non-compliance will be addressed proportionately, depending on the violation



Compliance Assistance Strategy

The Accessibility Directorate is reaching out to obligated organizations to assist them in meeting the requirements of the customer service standard:

- We are developing and distributing compliance assistance information and resources on customer service standard through key channels:
 - ministry website www.AccessON.ca
 - key events and conferences
 - inclusion of information on stakeholder websites, newsletters and publications

- AODA Contact Centre (ServiceOntario) dedicated to answering enquiries about the AODA and the accessibility standards 1-866-515-2025

- Strategic public and private sector partnerships (e.g. with Indo-Canada Chamber of Commerce www.iccc.org/, with Retail Council of Canada)



Resources to Help Organizations Understand and Comply with the Customer Service Standard

- **Accessibility Standards for Customer Service: Summary of Requirements**
- **Guide to the Accessibility Standards for Customer Service.** An interpretive guide to the customer service regulation.
- **Compliance Manual.** A “how to” manual that offers practical information and ideas on implementing the requirements of the customer service standard.
- **Training Resource.** A resource to assist organizations meet the training requirements of the customer service standard.
- **Serve-Ability: Transforming Ontario’s Customer Service.** An e-learning course to assist organizations meet the training requirements of the customer service standard.

Available at: www.AccessON.ca/compliance.



Resources to Help Organizations Understand and Comply with the Customer Service Standard (cont'd)

Compliance Assistance Resources for Small Businesses and Organizations

Compliance Manual for Small Businesses and Organizations.

A condensed version of the Compliance Manual offering suggestions on how to meet the requirements of the standard.

Training Resource for Small Businesses and Organizations.

A training guide designed to assist small organizations in meeting the training requirements of the customer service standard.

Available at: www.AccessON.ca/compliance.



General Awareness Resources

About the Accessibility for Ontarians with Disabilities Act, 2005

(AODA). A general overview of the AODA, standards development process, and barriers to accessibility.

About the Customer Service Standard. A general overview of the standard and its requirements.

Easy to Read Guide on the Accessibility Standards for Customer Service. A guide intended for people with disabilities who want information about the customer service standard (coming soon).

“Talk to Me – Serving Customers with Disabilities” DVD.

Includes documentary clips of real people with a range of disabilities talking about the barriers they face and providing specific customer service tips and techniques.

“An Accessible Ontario: It’s just good business!” DVD.

Includes videos, animations and photos depicting accessible customer service in various settings.

Accessibility is kept in mind at all stages of resource development.



What your organization can do!

- Comply with the Customer Service Regulation.
- Learn about all the standards.
- Share good accessibility practices with your colleagues

Be an Accessibility Champion

It's Good Business!



Links and resources

AccessON:

www.AccessON.ca

www.AccessON.ca/compliance

www.Ontario.ca/AccessON

AODA Contact Centre:

Toll-Free: 1-866-515-2025

TTY: 416-325-3408 / 1-800-268-7095

Fax: 416-325-3407

ServiceOntario Publications (to order resources online): www.publications.serviceontario.ca/



We'd Like to Hear From You.....

How could we get information about accessibility and the standards out to other organizations in the construction industry?

Are there opportunities (conferences, workshops, forums) we could be part of?

What are you hearing from your colleagues around these standards?

What questions are they asking?

What other information do you need?