

Accessibility Standards for Customer Service

(This information has been compiled by Ian Kamm, RMT. May 2014.)

AODA (The Accessibility for Ontarians with Disabilities Act, 2005) was created with the goal of introducing standards to improve accessibility across the province.

Accessible customer service is not about ramps or automatic door openers. It's about understanding that people with disabilities may have different needs. It can be as easy as asking "How can I help?" and making small changes to how you serve customers with disabilities.

The Accessibility Standard for Customer Service applies to all organizations (public, private and non-profit) that provide goods or services either directly to the public or to other organizations in Ontario AND that have one or more employees in Ontario. "Employees" in this act includes consultants, manufacturers and wholesalers as well as other businesses and professional services. It does NOT apply to sole practitioners.

In this context, "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.

Example: A person with arthritis has a disability that over time may increase in severity.

Example: A person with a brain injury has a disability that is not visible.

Example: 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.

Examples of providers of goods or services

- Stores, restaurants, hotels, bars and hair salons;
- Garages, service stations, home renovators, architects and builders;
- Hospitals and health services;
- Schools, universities and colleges;
- 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;
- Unions and professional associations.

What are the requirements for counting 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.

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.

NOTE 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.

If you are Required to Comply with the Standard:

All providers that must comply with AODA must follow the 11 requirements summarized below. Providers with 20 or more employees and all designated public sector organizations have three additional requirements to meet.

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.

Three additional requirements that 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 also:

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

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

III. 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.

Please do not reproduce this material without my permission.

Legal notice: Some of this material may have been developed in conjunction with Sutherland-Chan School & Teaching Clinic.