



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

Presentation to Conference of
Ontario Boards and Agencies

November 5, 2009

Accessibility Directorate of Ontario
Ministry of Community and Social Services





Purpose of Presentation

- To open a dialogue around access and accessibility by sharing information on legislation that encourages both
- To provide an overview of:
 - The goals of *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* and their relation to access
 - Your obligations under O.Regulation 429/07, Accessibility Standards for Customer Service
 - Support provided by Accessibility Directorate of Ontario to encourage compliance and thus promote access and accessibility



Why is this Important To You?

- Accessibility is not just good practice, **it is the law!** Ontario Regulation 429/07, Accessibility Standards for Customer Service is the first of five standards under the AODA, 2005
- Many of you are champions of access and accessibility. This information will help reaffirm how your practices align with regulation
- Most of you are part of organizations required to comply with the accessibility customer service standards by January 1, 2010
- AODA is legislation that regulates accessibility to break down barriers and increase access to organizations, goods, services and activities that impact our daily lives



Purpose of the AODA

To reduce discrimination against people with disabilities and to benefit all people in Ontario by:

- developing, implementing and enforcing accessibility standards
- involving people with disabilities and representatives of different sectors in the development of accessibility standards



Types of Barriers Addressed

Visible:

- Architectural or structural
- Information/communication

Invisible:

- Attitudes
- Systemic e.g. legal processes built around expectations of high literacy among all participants



Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Goal: An accessible Ontario by 2025

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

- It is expected that compliance will be phased in between 2010 and 2025. Your tribunals will need to be on track with compliance.



Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

- 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

- Standards are expected to apply to public, broader public and private sectors



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

 - Applies to all organizations that provide goods or services to the public or other organizations in Ontario and have at least one employee; and designated public sector organizations (approximately 360,000):
 - 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

 - Many tribunals, boards, commissions and agencies specifically mentioned in Schedule 1
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Customer Service Regulation Overview

- Timetable for compliance and reporting:
 - Designated public sector organizations including tribunals, boards, agencies, commissions and other organizations named in Schedule 1 must comply by **January 1, 2010**, and file a report in 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
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Customer Service Regulation Highlights

The requirements help increase access to goods and services for people with disabilities by breaking down accessibility barriers. 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 about the use of **assistive devices**
- **Communicate** with a person with a disability in a manner that takes into account his or her disability





Customer Service Regulation Highlights (cont'd)

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





Customer Service Regulation Highlights (cont'd)

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
- 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





Customer Service Regulation - Documentation Requirements

Designated public sector organizations, and obligated businesses or organizations with 20 or more employees, 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

- Under the AODA, businesses and organizations covered by a standard will be 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 automated assessment of reports
- 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
- A sample report for the customer service standard is posted for public information on ministry website



Support for organizations: Compliance Improvement

- Progressive approach to compliance will be used.
 - Focuses on compliance assistance and improvement measures
 - Allows for delivery of inspections, enforcement and prosecution when required
- Inspection and enforcement approaches currently under development
- Will identify organizations that require compliance improvement based on reports and risk assessment
- Non-compliance will be addressed proportionately, depending on the violation:
 - For example, send compliance assistance materials as a first step
 - If this is not effective, then use compliance tools as required



Support for Organizations: Compliance Assistance

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

- Initial outreach to the provincial government, municipalities, and other designated public sector organizations including the broader public sector; subsequent outreach to private and non-profit sectors
- Presentations, information-sessions, e-learning modules, templates
- Develop and distribute compliance assistance information and resources on customer service standard through key channels:
 - ministry website
 - 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
- Strategic public and private sector partnerships



Compliance Assistance Links and Resources



www.AccessON.ca

AccessON:

www.AccessON.ca

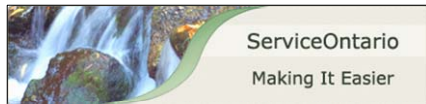
www.AccessON.ca/compliance

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/



Accessibility for Ontarians with Disabilities:

www.mcass.gov.on.ca/mcass/english/pillars/accessibilityOntario/



Support for Organizations: EnAbling Change Partnership Program

- Administered by the Accessibility Directorate of Ontario of the Ministry of Community and Social Services
- Annual program that provides funding for strategic partnership projects that will make a significant impact on improving accessibility for persons with disabilities and promoting compliance with the Accessibility for Ontarians with Disabilities Act, 2005 and accessibility standards
- Program seeks partners who have the vision, leadership and commitment to make meaningful progress on improving accessibility through supporting compliance with accessibility standards
- Impact should be broad enough to be felt throughout an industry or sector, or across several sectors



Support for Organizations: Ongoing Legislative Review

- Section 41 of the AODA requires that an independent review commence within four years of coming into force
- Purpose: to evaluate the effectiveness of the AODA by determining whether the objective of an accessible province is being met in an effective, efficient, flexible and fair manner
- On June 12, 2009, government announced that Mr Charles Beer was appointed to conduct the independent review
- Public consultations on the legislatively-mandated AODA Review were conducted in September/October 2009
- The Legislative Review of the AODA Report is expected to be submitted to the Minister in January 2010 to be tabled in the legislature
- Section 41 of the AODA also requires an independent review of the legislation and regulations every three years after initial review.



What your organization can do!

- Comply with the Customer Service Regulation.
- Learn about all the standards.
- Nurture a culture of accessibility at work and in your community.

Be an Accessibility Champion

You will be promoting access and accessibility!
