

The Ministry of Economic Development, Employment & Infrastructure + Ministry of Research and Innovation

Detailed Summary – Proposed Amendments to the Customer Service Standard Regulation and the Integrated Accessibility Standards Regulation Made Under the Accessibility for Ontarians with Disabilities Act, 2005

Based largely on a review of the Accessibility Standards for Customer Service (often referred to as the Customer Service Standard Regulation) (O. Reg. 429/07) made under the *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”) completed by the Accessibility Standards Advisory Council/Standards Development Committee in 2013-2014, Government is proposing the following changes to the requirements of the Customer Service Standard. In addition, government is proposing minor amendments to the Integrated Accessibility Standards Regulation (O. Reg. 191/11) made under the AODA. All proposed changes are subject to internal review and approval, and the content of the final amendments may change. Given that both regulations may be combined into one regulation, other changes may also be required.

Subject to such internal approvals as are applicable, the Ministry is targeting an effective date of July 1, 2016 for these regulatory changes.

All comments and submissions received will become part of the public record. You will not receive a formal response to your comment; however, relevant comments received as part of the public participation process for this proposal will be considered by relevant decision makers.

Changes to the Customer Service Standard

1. Incorporate Requirements of O. Reg. 429/07 (Customer Service Standard) into O. Reg. 191/11 (Integrated Accessibility Standards)

- The intent of this proposed change is to house all accessibility standards under one comprehensive regulation.

2. Amend Requirements Under the Customer Service Standard

a) References to “goods and services” changed to include facilities throughout the Standard

- All references to “goods and services” would be changed to “goods, services and facilities.”
- The proposed change is intended to match the Integrated Accessibility Standards Regulation, which states that it applies to every organization that provides “goods, services or facilities to the public or other third parties and that has at least one employee in Ontario.”

- The intent is to require the process by which customers access facilities (e.g., the process of renting a venue) to be accessible.
- This is not intended to change which organizations are obligated to meet requirements under the Customer Service Standard, which currently applies to “providers of goods or services.”
- This is not intended to require organizations to alter physical facilities.

b) Definitions and types of obligated organizations

- The language used for types of organizations and definitions under the Integrated Accessibility Standards Regulation would be applied to the Customer Service Standard.
- The proposed changes would classify obligated organizations consistently across all accessibility standards.
- This change is also intended to align the “class structure” of organizations under the Customer Service Standard and other accessibility standards.
 - Currently, under the Integrated Accessibility Standards Regulation, organizations with 50 or more employees have certain additional documentation requirements as compared to organizations with between 20 and 50 employees (e.g., written multi-year accessibility plans). Under the current Customer Service Standard, organizations with 20 or more employees have additional documentation requirements. Changes would be made to these standards to ensure that the requirements amongst employer classifications better align.
 - The new Customer Service Standard would eliminate documentation requirements for organizations with 20 – 49 employees, aligning documentation requirements among all five standards. However, these organizations would still need to submit accessibility compliance reports in the same or similar manner as would large obligated organizations.

c) Policies, practices and procedures

- All references to “policies, practices and procedures” would be changed to “policies” throughout the Customer Service Standard.
- The proposed change would align language and terminology across all accessibility standards.

d) Definition of “service animal”

- The definition of “service animal” in the Customer Service Standard would be changed to grant the authority to provide documentation of a need for a service animal to members of the following colleges:
 - College of Physicians and Surgeons of Ontario
 - College of Nurses of Ontario
 - College of Audiologists and Speech-Language Pathologists of Ontario
 - College of Chiropractors of Ontario
 - College of Occupational Therapists
 - College of Optometrists

- College of Physiotherapists of Ontario
- College of Psychologists of Ontario
- College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario
- The authority to provide documentation would be:
 - based upon the assessment of a person's disability within the scope of practice of a member
 - based on an established pre-existing therapeutic professional-client relationship
- The term "readily identifiable" within the Customer Service Standard is proposed to replace "readily apparent" to make it clearer to organizations that a service animal may be recognized through indicators or visual cues such as a vest or harness.
- Changing "letter" to "documentation" in the second criterion is more inclusive of the types of documents that may be provided by a physician or nurse (e.g., template, letter, form).

e) Requiring a support person to accompany a person with a disability

- Additional language would be added to the Customer Service Standard in order to clarify when an organization may require a support person to accompany a person with a disability for reasons of health and safety.
- This additional language is intended to clarify that organizations may only require a person with a disability to be accompanied by a support person in very limited circumstances, when there is no other available option.

f) Waiving fares/fees for a support person

- Additional language would be added to clarify when an organization requires a person with a disability to be accompanied by a support person on the premises due to health and safety reasons, the organization would be required to waive any fare/fee for the support person that would normally be charged to a person.
- This requirement is intended to ensure that people with disabilities do not face a financial barrier or penalty in situations when an obligated organization determines that they must be accompanied by a support person. In these situations, a person with a disability may be charged a fare or fee, but the fare or fee must be waived for the mandatory support person.

g) Training

- Requirements on who must be trained would be changed to match language in the Integrated Accessibility Standards Regulation.
- Every obligated organization would have to ensure that the following people receive training about the provisions of its goods, services and facilities to persons with disabilities:
 - all employees, and volunteers;
 - all persons who participate in developing the organization's policies; and

- all other persons who provide goods, services or facilities on behalf of the organization.
- These proposed changes would enhance consistency with training requirements across all accessibility standards.

h) Title of feedback process section

- The title of this section would be changed from “Feedback process for providers of goods or services” to “Feedback process on the accessible provision of goods, services or facilities”.
- The proposed new title of the section is intended to clarify that the requirements relate to receiving feedback on the accessibility of the provision of goods, services and facilities, rather than the accessibility of the goods, services and facilities themselves.

i) Accessibility of feedback process

- Language on the channels and formats of an obligated organization’s feedback process under the Customer Service Standard would be changed.
- Changing how feedback is accepted matches similar requirements under the Feedback section of the Information and Communications Standard.

j) Format of documents

- This section would be revised to require an obligated organization to provide communication supports as well as accessible formats for documents required under the Customer Service Standard for persons with disabilities upon request. These must be provided in a timely manner and at no additional cost.
- The proposed change would align language and terminology in the Customer Service Standard with requirements under the Information and Communications Standard pertaining to the provision of accessible formats and communication supports.

3. Revoke O. Reg. 429/07 (Customer Service Standard) and O. Reg. 430/07 (Exemption from Reporting Requirements)

- The Customer Service Standard requirements would be incorporated into the Integrated Accessibility Standards Regulation and at the same time, the Integrated Accessibility Standards Regulation would be amended to outline reporting requirements and exemptions for obligated organizations across all accessibility standards, including the Customer Service Standard.
- Therefore, O. Reg. 430/07 (Exemption from Reporting Requirements) would be revoked.
- As noted above, both the Customer Service Standard and the Integrated Accessibility Standards Regulation might be combined, which may involve

revocation of O. Reg. 429/07. Details of their consolidation dependent upon the drafting process and are not yet available.

- The intent of combining the regulations would be to ensure that there is one regulation containing all accessibility standards under the Accessibility for Ontarians with Disabilities Act, 2005, including the Customer Service Standard.

Changes to the Integrated Accessibility Standards Regulation (O. Reg. 191/11)

The following amendments to the Integrated Accessibility Standards Regulation are proposed to reflect the addition of the Customer Service Standard and to make minor administrative/housekeeping changes.

1. Changes to Reflect the Incorporation of the Customer Service Standard

2. Minor Administrative/Housekeeping Amendments to the Integrated Accessibility Standards Regulation

- Revise provisions related to accessible formats and communications supports to employees in the Integrated Accessibility Standards Regulation to remove the duplicative requirement to consult with a person with a disability.
- Revise typographical errors in text by replacing “no more that” with “no more than.”
- Replace “courtesy seating” with “priority seating” throughout the regulation.
- Replace the term “pedestrian crossovers” and the definition with the following term and definition:
 - “Signal controlled pedestrian crossing” means a pedestrian crossing where pedestrian control signals are installed.