



# Employers First™

**COMPLETE EMPLOYER PROTECTION**

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## MEMO

TO: All Ontario Employers First Members

DATE: November 18<sup>th</sup>, 2011

RE: New Government Legislation

### THE ACCESSIBILITY OF ONTARIANS WITH DISABILITIES ACT – AODA

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Hello Everyone:

#### Deadlines for Compliance and Interpretation

Employers First is pleased to provide some details that we trust will help to clarify “the confusion” and hopefully answer the question “does this apply to me?” Over the past few months we at Employers First have been working to seek clarity and understanding of this new legislation and the implications of what needs to be done, by whom and by when. I am pleased to submit the following details to what has been found out to this point.

#### **Background:**

In 2005, the Ontario government passed the Accessibility for Ontarians with Disabilities Act (AODA) with the clear objective of full “accessibility” for Ontarians with disabilities by 2025. To achieve this goal, the government is developing accessibility standards that a wide variety of organizations will have to meet.

Although full compliance is required by the year 2025 and it seems a long way off, Regulation 429/07 was promulgated on January 1, 2008; this act establishes guidelines for accessibility standards as it relates to customer service. This is only one of the 5 standards which come into full force and that took effect on January 1, 2010, for the public sector and **January 1, 2012**, for the private and not-for-profit sectors.

## Public Sector Organizations:

**As of, January 1st, 2010**, designated public-sector organizations must comply with the Customer Service Standard under the Accessibility for Ontarians with a Disability Act (AODA).

Where the confusion comes in is with, who this applies to? This can be found in the definition of “private and not for profit sectors”. We understand that companies have been receiving information saying that compliance is required for “private” sector employers and we found that this was too vague for business owners to understand. The actual wording below is the correct wording which states, **“every 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.”** So you must ask the question of your business in that “Does your business provide goods and services to the members of the public.”

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## Who Must Comply? (This is the actual wording in the legislation)

### Customer Service Standard

(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.

### To further clarify:

The Ministry of Community and Social Services “Training Resource Manual” for the Accessibility Standards for Customer Service Ontario Regulation 429/07, states that the standard “applies to all organizations, both public and private, that:

1. Provide goods or services either directly to the public or to other businesses or organizations and
2. Have one or more employees in Ontario.

### Providers in the following sectors are affected:

1. Private
2. Non-Profit; and
3. Public, including provincial and municipal governments, universities, colleges, hospitals, school boards and public transportation organizations.

In the “Ministries Breaking Barriers Together, Compliance Manual for Small Businesses and Organizations” the example organizations providing goods or services directly to the public listed include: 1. “A clothing store 2. A coffee shop 3. A beauty Salon 4. A store with sales associates. (This is not a limited list, just to show you examples).

**What this appears to be to us at Employers First, is that this movement is designed as a “nudge” rather than the big stick of “enforcement”.**

As mentioned, the first of these standards (and perhaps the least onerous) is the *AODA Customer Service Standard*, which requires all Ontario businesses to ***provide their goods and services in a way that is accessible*** to all Ontarians. The Act does not require that goods and services themselves be accessible (that may be covered in future standards), only addresses the way in which they are provided. It also gives employers freedom to determine the best accessibility options for their own workplace. The standard really is a "nudge" (rather than a "big stick") to encourage businesses to implement fairly modest changes, many of which may open themselves up to receiving more business from an aging society where at least 15% of the population have with some kind of disability.

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### **What Must Be Accomplished by the Compliance Deadline?**

1. Develop policies, procedures, and practices with respect to services to the public, by themselves or their agents, to ensure that they are consistent with the core principles of independence, dignity, integration, and equality of opportunity. As these policies must be made available upon request, a notice confirming their availability must be conspicuously posted physically and, where appropriate, electronically in a manner that takes into account a person’s disability.
2. ***Permit support persons and service animals***  
Employers must be prepared to permit the use of service animals or support persons, or provide alternatives where the use of service animals is prohibited by law.
3. ***Provide clear notice of disruptions***  
Employers must be ready to provide clear notice when temporary or planned disruptions occur to services or facilities usually used by persons with disabilities.
4. ***Provide training to staff and volunteers***  
Employers must have provided training on disabilities to all employees, agents, and volunteers who act on their behalf. They must also have provided such training to all persons who participate in the development of policies, practices, and procedures. In addition, they must have a process that provides for customer or client feedback and response to that feedback.

Also, amend the Emergency Response Information – to include individualized workplace emergency response information to employees who have a disability to ensure all required accommodations required are met. This will affect the fire plan and the evacuation plan in your manuals.

Further Standards that will affect your manual once this becomes clearer, will include the next three standards (that will make 4 out of 5 standards) which have been blended together by what they are calling the “Integrated Standard, which will combine the

1. Transportation Standard
2. Information and Communication Standard
3. Employment standards

Areas that will be amended in your manuals will include:

1. Recruitment
2. Employee Notifications
3. Individual Accommodation Plans
4. Return to Work Processes
5. Performance Management, Career Development, Advancement, Redeployment
6. Accessible Formats and Communication Supports
7. Workplace Emergency Response Information

Proposed deadlines for training and policy amendments for these standards are January 1, 2015 for large organizations and small organizations January 1, 2016.

While the deadlines for compliance with the employment obligations are not immediate, companies and organizations would be well advised to consider how they intend to implement the obligations in going forward. This will allow for advanced planning, organization and budgeting required ensuring compliance by the applicable deadlines.

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## **IMPORTANT FOR ALL MEMBERS WITH CURRENT HEALTH AND SAFETY MANUALS!**

1. I have attached the new “Customer Service Accessibility Plan that will added to your manuals. You will notice you need to fill in the blanks for us and email or fax this back to us and we will make the changes to your manual and send you the amended changes that you will add to your manual. Email to: [lisa@employersfirst.ca](mailto:lisa@employersfirst.ca) or fax back to 705-741-4777 attention: Lisa Sinclair. (see attached) **REMEMBER THIS IS ONTARIO MEMBERS ONLY!**

## **TRAINING:**

2. We have added three new training courses to our course calendar. For our unlimited training savings plan members, these courses are included in your plan. For our pay as you go members, the live studio training rate applies of \$ 45.00 per person, per course. Our non member client rates are: \$ 95.00 per person, per course.

### **Three New Courses by Employers First:**

1. **AODA Requirements** – For all business owners, senior management team, board of governors, decision makers of the organization. This course is designed to give the details and exact information required for the implementation of the requirements of the legislation within your organizations.
2. **AODA – Customer Service** – 20 or more Employees  
All employees, supervisors, volunteers
3. **AODA- Customer Service** – Under 20 Employees  
All employees, supervisors, volunteers

We have added these courses to our December, January training calendars. In going forward these courses will be on all our calendars each month.

If you have any questions, please contact us at 1-877-271-7505 or email us directly: [lisa@employersfirst.ca](mailto:lisa@employersfirst.ca), [tom@employersfirst.ca](mailto:tom@employersfirst.ca) or [jeff@employersfirst.ca](mailto:jeff@employersfirst.ca)

Thank-You

Lisa Sinclair  
Director of Training and Development

(SEE ATTACHMENTS)

1. Customer Service Accessibility Plan
2. Appendix A

## Appendix A

### 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.

### 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.

- **Example:** 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.
- **Example:** An organization hired by other businesses to design and build new residential subdivisions is providing goods or services to third parties.
- **Example:** 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.