

2 BECOME 1: AODA STANDARDS TO CONSOLIDATE ON JULY 1ST

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Ontario employers take note. A number of minor changes under the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA") will take effect commencing July 1, 2016. On that date, all of the accessibility standards to the AODA, including the Customer Service Standards, will be consolidated in the Integrated Accessibility Standards Regulation. Pursuant to this change, both small and large organizations will be required to do the following:

- **Training** – currently, organizations are only required to provide customer service training to employees and volunteers who deal with third parties, as well as to those who participate in developing the organization's policies. However, the changes will require organizations to, as soon as practicable, train: (a) all employees and volunteers; (b) every person who participates in developing the organization's policies; and (c) every other person who provides goods, services or facilities on behalf of the organization.

It is expected that an updated customer service training module will be added to the Government of Ontario's [AccessForward](#) website in early-August, 2016. Persons who have already received training do not need to be trained again.^[1]

- **Documenting policies, practices and procedures** – currently, organizations with 20 or more employees must "document" their customer service policies, practices and procedures, and make a copy of that document available on request. Starting July 1, this requirement will only apply to organizations with 50 or more employees (meaning organizations with 20-49 employees no longer need to document their customer service policies, practices and procedures).

Large organizations^[2] must also (a) notify^[3] persons to whom it provides goods, services or facilities that the document which describes the organization's policies, practices and procedures is available upon request; and (b) prepare a document that describes the organization's training policy, summarizes the content of the training and specifies when the training is to be provided. Both documents must be provided to any person upon request.

- **Support persons** – current standards allow an organization to require a support person to accompany a person with a disability when on the organization's premises for health or safety reasons. However, the

changes will require organizations to do the following before making this decision: (a) consult with the person who has a disability regarding their needs; (b) consider the health and safety reasons based on available evidence; and (c) determine whether there is another reasonable way to protect the health and safety of the person who has a disability or others on the premises.^[4]

- Service animals – current standards allow organizations to request a note from either a physician or nurse to confirm that a person with a disability requires use of a service animal. The new changes will permit the note to be from a regulated health professional, meaning a wider variety of health professionals will be able to confirm the status of a service animal.
- Feedback – organizations must currently provide a way for persons with disabilities to comment on accessible service standards. The changes mandate that this feedback process will have to be accessible to persons with disabilities, such as by providing accessible formats and communication supports on request.

All organizations with 20 or more employees must confirm their compliance with the above requirements by submitting an accessibility compliance report by no later than December 31, 2017. Applicable policies, practices and procedures should also be updated to reflect the upcoming changes.

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1 Subject to an organization's duty to provide training on an ongoing basis in respect of changes to the organization's policies, practices and procedures.

2 50 or more employees in Ontario.

3 Notice may be given by posting the information at a "conspicuous place" on the premises owned or operated by the organization, by posting it on the organization's website or by other reasonable means.

4 If a support person is required by the organization, the organization must waive the admission fee or fare for the support person, if one exists.

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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