

## **Accessibility For Ontarians with Disabilities Act:**

### **Customer Service Standard FAQ**

#### **Q1: What is the Customer Service Standard?**

The Customer Service Standard is the first standard developed under the *Accessibility for Ontarians with Disabilities Act* (the “AODA”) to become law in Ontario. The Customer Service Standard addresses the business practices and staff training required to provide better customer service to people with disabilities.

#### **Q2: Who does the Customer Service Standard apply to?**

The Customer Service Standard applies to all designated public sector organizations and all private sector organizations with one employee or more in Ontario. “Private sector organization” includes any person and organization that provides goods and services to the public and third parties. This includes not-for-profit organizations, consultants, manufacturers and wholesalers.

#### **Q3: What are the deadlines for compliance?**

Public sector organizations have had to comply since January 1, 2010. All other persons and organizations have had to comply since January 1, 2012.

#### **Q4: What do I need to do to comply?**

The Customer Service Standard applies to the way you provide goods and services. It does not set accessibility standards for the goods themselves. In order to comply with the Customer Service Standard, service providers must:

- Establish policies, practices and procedures with respect to providing goods and services to people with disabilities. Policies must address integration of services, the use of assistive devices and how to communicate with a person with a disability;
- Allow for the use of service animals in areas of the premises that are open to the public and third parties unless prohibited by law;
- Allow support persons to accompany people with disabilities and give notice in advance of any admission fees that will be charged to the support person;
- Post notice of temporary disruption in facilities or services used by people with disabilities;

- Train staff on how to provide goods or services to people with disabilities. For the purpose of this requirement, “staff” includes employees, volunteers and agents (such as independent contractors). The training must include instructions on the following:
  - (1) How to interact and communicate with persons with various types of disabilities.
  - (2) How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.
  - (3) How to use equipment or devices available on the service provider’s premises or otherwise provided by the service provider that may help with the provision of goods or services to a person with a disability.
  - (4) What to do if a person with a particular type of disability is having difficulty accessing the service provider’s goods or services.
- Provide a feedback process including what actions will be taken when a complaint is received;
- Prepare a written copy of the organization’s policies, practices and procedures related to the above requirements. Private sector service providers with less than 20 employees are exempt from this requirement;
- File an annual accessibility report (first due by December 31, 2012). Private sector service providers with less than 20 employees are exempt from this requirement.

**Q: What are the penalties for non-compliance?**

Non-compliance with the Customer Service Standard could lead to significant financial penalties. The service provider may be required to pay an administrative penalty and could also be guilty of an offence.

A corporation could be required to pay an administrative penalty for non-compliance, where, for instance, it fails to file an accessibility report. The AODA provides that fines will typical range between \$500 - \$15,000. However, the fines can be as great as \$100,000 per day.

If, for instance, a corporation provides false or misleading information or fails to comply with an order, it also run the risk of being charged with an offence under the AODA, where again the fines can be up to \$100,000 per day. Individual directors and officers have a duty to take reasonable care to prevent the corporation from committing an offence and could be liable for up to \$50,000 per day.

Different levels of fines are imposed for unincorporated entities and persons. The fines for an administrative penalty range from between \$200 - \$2,000, up to a maximum of \$50,000 per day. If an unincorporated entity or person is charged with an offence, the fine cannot exceed \$50,000 per day.