
ONTARIO ACCESSIBILITY STANDARDS TO BE IN PLACE AS OF JANUARY 1, 2012

*By Barry W. Kwasniewski**

A. INTRODUCTION

The deadline to meet the accessibility standards required by the *Accessibility for Ontarians with Disabilities Act, 2005* is soon approaching. Part of what this statute requires is that all organizations (public, private and non-profit), that provide goods or services either directly to the public or to other organizations in Ontario and that have one or more employees in Ontario, have accessible customer service. These requirements are detailed in the Regulation *Accessibility Standards for Customer Service*, which have been previously summarized in *Charity Law Bulletin* No. 235 (November 30, 2010).¹

B. REQUIREMENTS UNDER THE ACT

The requirement that providers of goods and services establish policies, practices and procedures governing the provision of goods and services to persons with disabilities is provided in section 3 of the Regulation. Specific matters that must be addressed by the policies are:

- ◆ The use of assistive devices by persons with disabilities to obtain, use or benefit from the provider's goods or services, or the availability of other measures which enable them to do so (Section 3(3));
- ◆ The access and use of guide dogs or other service animals (Section 4);
- ◆ The access of support persons to assist persons with disabilities in accessing goods and services (Section 4);

* Barry W. Kwasniewski, B.B.A., LL.B., practices employment and risk management law with Carters' Ottawa office and would like to thank Michelle Thériault, B.Soc.Sci. J.D., Student-At-Law, for her assistance in the preparation of this *Bulletin*.

- ♦ The training of all persons who deal with the public on behalf of the organization about the provision of goods and services to persons with disabilities, including a summary of the contents of the training and details of when the training is to be provided (Section 6);
- ♦ The process for receiving and responding to feedback about the manner in which the organization provides goods or services to persons with disabilities (Section 7(1)).

In order to assist in compliance, the Ontario Ministry of Community and Social Services has made a staff (employee, agent, volunteer or person who otherwise represents the organization) training resource available on its website, which consists of twelve training units. This resource is available online at <http://www.mcsc.gov.on.ca/en/mcsc/programs/accessibility/customerService/trainingResourcesAODA/about.aspx>. Organizations that employ 20 or more people are required to have their policies, practices and procedures set out in writing and available upon request to any person. Therefore, such organizations need to be proactive in developing these in order to meet the January 1, 2012 effective date of the Regulation.

C. CONCLUSION

Charities and non-profit organizations in Ontario need to either begin or finalize preparations so that they will be in compliance with the *Accessibility Standards for Customer Service*. The government of Ontario has published a number of helpful guidance documents on the Ministry of Community and Social Services website to assist organizations in their preparations for compliance, which can be consulted at <http://www.mcsc.gov.on.ca/en/mcsc/programs/accessibility/customerService/>. Charities and non-profits should also seek legal advice, both in developing and in reviewing their policies, in order to ensure compliance.

¹ <http://www.carters.ca/pub/bulletin/charity/2010/chylb235.pdf>