

## **Update: Implementation of the Accessible Customer Service Standard under the Accessibility for Ontarians with Disabilities Act (AODA)**

<b>Date:</b>	February 8, 2010
<b>To:</b>	Executive Committee
<b>From:</b>	Joseph Pennachetti, City Manager
<b>Wards:</b>	All
<b>Reference Number:</b>	

### **SUMMARY**

---

This report advises Council of the status of implementing the Accessible Customer Service Standard, established by the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

This is a preliminary report on implementation as data are currently being assembled to meet the compliance report due on March 31, 2010.

### **RECOMMENDATION**

---

The City Manager recommends that this report be forwarded to Council for information.

### **Financial Impact**

There are no financial implications related to this report. In future, financial impacts resulting from meeting AODA compliance requirements will be addressed and considered within the capital and operating budget process.

## **Equity Statement**

The implementation of standards set out under the AODA supports City Council's goal of becoming a barrier free city and can prevent the creation of new barriers for people with disabilities. In addition, requirements under the Ontario Human Rights Code combined with existing City policies on access, equity and human rights and the City's "Statement of Commitment to Creating an Accessible City" provide an overarching policy framework.

## **DECISION HISTORY**

At its January 2010 meeting, the Executive Committee received the report (November 25, 2009) from the Toronto Transit Commission entitled "AODA Regulations on Accessibility Standards" and requested the City Manager to report on the status of implementing Customer Service Standards to the March 1, 2010 Executive Committee meeting.

## **ISSUE BACKGROUND**

Accessible Customer Service, the first standard under the AODA, went into effect on January 1, 2010. Public sector organizations are required to report on compliance by March 31, 2010. Compliance with this standard by private sector organizations is required by 2012.

Four additional standards are expected to come into effect by the end of 2010. These are: Information and Communication, Employment, Transportation and the Built Environment. The implementation of these standards apply to the public and private sectors and are intended to meet the goal of the AODA of having an accessible Ontario by 2025.

In 2008 (Exec Report 23.8), Council considered a status report on the implementation of the City's Accessibility plan as well as the Divisional Accessibility Plans. Council was also advised of the status of the AODA requirements and that the Province had approved Customer Service Standards for implementation.

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-15057.pdf>  
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-15058.pdf>

In 2009 (Exec 33.4), a report on the AODA outlined the general provisions of the legislation and penalties, in addition to the requirements of the Customer Service Standards and the proposed standard for Information and Communications. Council also approved a "Statement of Commitment to Creating an Accessible City".

<http://www.toronto.ca/legdocs/mmis/2009/ex/bgrd/backgroundfile-21489.pdf>  
<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-22615.pdf>

## COMMENTS

City staff have been preparing for the implementation of the AODA. Initially this work was addressed through the City's ongoing obligations under the Ontario Human Rights Code and subsequently through the requirement to prepare and submit annual Accessibility Plans to the Province under the Ontarians with Disabilities Act (ODA).

The City's obligation under the AODA has been discussed at meetings convened by the City Manager with the Deputy City Managers and Division Heads. It is also a standing agenda item at meetings of the Inter-Divisional Staff Team on Access Equity and Human Rights. The City's Disability Issues Committee has been consulted on the City's approach to meeting its requirements under the ODA and AODA.

The purpose of the Accessible Customer Service Standard is to make customer service operations accessible to people with disabilities. The core elements of this standard require the following:

1. Establishment of a corporate policy statement
2. Documentation of policies and procedures
3. Provision of training
4. Establishment of feedback mechanisms, and
5. Submission of a compliance report.

Appendix A is a Summary of Requirements of the Accessible Customer Service Standard.

Appendix B includes Council's Statement of Commitment to Creating an Accessible City and the implementation schedule for the customer service standard.

### **Status of Implementation**

#### *1. Establishment of a corporate policy statement*

City Council adopted a corporate policy statement in August 2009 (EX33.4), "Statement of Commitment to Creating an Accessible City" which is consistent with the principles of the AODA. This Statement identifies measures offered by the City to enable people with disabilities to equitably obtain, use and benefit from the goods, services, programs or facilities.

The City's Statement of Commitment along with a guideline on implementation has been circulated to all City Divisions and will be posted on the city's website and made available on request. A new web portal on accessibility requirements is being established on the City's intranet. This information will be shared with the city's Agencies, Boards, Commissions and Corporations (ABCCs).

## *2. Documentation of policies and procedures*

The Standard on Accessible Customer Service requires the documentation of policies, practices and procedures for providing accessible customer service in relation to service animals, service disruptions, training and other issues. This requirement applies to any specific operational policies and approaches which are tailored to meet divisional needs. Divisions are preparing status updates as their responses will be used to complete the compliance report due at the end of March.

## *3. Provision of Training*

Any staff or person who deals with the public directly or on behalf of the City or anyone who participates in developing policies, practices and procedures affecting customer service are to be trained on how to provide customer service to people with disabilities. Training is required for employees, volunteers and agents. New employees and volunteers should receive training as soon as practicable after they are assigned applicable duties.

Third party contractors who deliver goods and services on behalf of the City are also required to ensure that they meet the legislative requirements of accessible customer service.

The content of training includes information on the AODA and the requirements of the Accessibility Standards for Customer Service. The training resources developed by the Accessibility Directorate advises that the scope of training can vary from handouts at an orientation session, a mandatory online module, delivered in a classroom setting or other formats.

City divisions provide a broad range of services to Toronto residents and visitors, therefore the type and amount of training will vary across the corporation. Staff or persons who deal directly with the public will have ongoing opportunities to access training resources on accessible customer service.

Some Divisions have already undertaken division-wide preparation. The identification of the first persons to be trained will be based on what the employee or volunteer does on a regular basis, in addition to the job description.

The City Manager's Office is in the process of compiling information on divisional training plans to meet the compliance timetable. In addition, an interactive web training program is in development by corporate human resources staff.

Further details on Divisional training plans will be available upon the completion of the compliance report.

#### *4. Establishment of Feedback Mechanisms*

Every service that interacts directly with the public must develop and publish a process for receiving and responding to feedback about how services and programs are delivered to people with disabilities. Public feedback can be provided in person, by telephone, in writing or by electronic means and this feedback shall be responded to, documented and tracked.

The City's 3-1-1 program is a key point of contact for people who wish to access non-emergency City services and information. In addition to divisional efforts, 3-1-1 will have a significant role in increasing the City's effectiveness in responding to accessible customer service inquiries.

#### *5. Submission of a Compliance Report*

Under the AODA, an on-line compliance report is required by March 31, 2010.

The Interdivisional Staff Team on Access and Equity is assisting the City Manager's Office with the completion of divisional compliance reports.

The City Manager will be sending a communication to the ABCCs to remind them of their obligation to submit compliance reports by March 31, 2010. The ABCCs will also be provided with copies of the City's Statement of Commitment and its implementation schedule.

### **CONTACTS**

Ceta Ramkhalawansingh, Manager, Diversity Management and Community Engagement  
[cramkhal@toronto.ca](mailto:cramkhal@toronto.ca) (416) 392-6824

Bernita Lee, Diversity Management and Community Engagement Consultant, City Manager's Office  
[blee@toronto.ca](mailto:blee@toronto.ca) (416) 397-5251

### **SIGNATURE**

---

Joseph P. Pennachetti  
City Manager

### **ATTACHMENTS**

- Appendix A: Summary of requirements under customer service
- Appendix B: Statement of Commitment to Create an Accessible City and Implementation schedule for Accessible Customer Service

## **APPENDIX A**

### **THE ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE, ONTARIO REGULATION 429/07**

#### **Summary of Requirements**

- 1) Establish policies, practices and procedures on providing goods or services to people with disabilities.
- 2) Set a policy on allowing people to use their own personal assistive devices to access your goods and use your services and about any other measures your organization offers (assistive devices, services, or methods) to enable them to access your goods and use your services.
- 3) Use reasonable efforts to ensure that your policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity.
- 4) Communicate with a person with a disability in a manner that takes into account his or her disability.
- 5) Train staff, volunteers, contractors and any other people who interact with the public or other third parties on your behalf on a number of topics as outlined in the customer service standard.
- 6) Train staff, volunteers, contractors and any other people who are involved in developing your policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard.
- 7) Allow people with disabilities to be accompanied by their guide dog or service animal in those areas of the premises you own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, use other measures to provide services to the person with a disability.
- 8) Permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties.
- 9) Where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for a support person of a person with a disability.

- 10) Provide notice when facilities or services that people with disabilities rely on to access or use your goods or services are temporarily disrupted.
- 11) Establish a process for people to provide feedback on how you provide goods or services to people with disabilities and how you will respond to any feedback and take action on any complaints. Make the information about your feedback process readily available to the public.

**Added requirements for the City of Toronto:**

- 1) Document in writing all your policies, practices and procedures for providing accessible customer service and meet other document requirements set out in the standard.
- 2) Notify customers that documents required under the customer service standard are available upon request.
- 3) When giving documents required under the customer service standard to a person with a disability, provide the information in a format that takes into account the person's disability.

For full details of the requirements of the Accessibility Standards for Customer Service (Ontario Regulation 429/07), Click on:

[www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws\\_src\\_regs\\_r07429\\_e.htm](http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07429_e.htm)

## **APPENDIX B**

### **Statement of Commitment to Create an Accessible City and Implementation of Accessible Customer Service**

#### **City of Toronto Statement of Commitment to Creating an Accessible City**

*Diverse communities and groups make up the population of Toronto. The City of Toronto values the contributions made by all its people and believes that diversity among its people has strengthened Toronto.*

*The City of Toronto is committed to building an inclusive society and providing an accessible environment in which all individuals have access to the City's services and programs in a way that respects the dignity and independence of people with disabilities.*

*The City of Toronto supports the goals of the Accessibility for Ontarians with Disabilities Act (AODA) and will establish policies, practices and procedures which are consistent with the accessibility standards established under the AODA, including accessible customer service, information and communication, employment, the built environment and transportation.*

*The City of Toronto will continue to prevent barriers by designing inclusively and supporting positive attitudes that address "ableism" - attitudes which devalue and limit the potential of persons with disabilities.*

*In working towards its goals under this Statement, the City of Toronto is committed to meeting the requirements of existing legislation and to its own policies and goals related to the identification, removal and prevention of barriers to people with disabilities and becoming a barrier free city.*

**Toronto City Council, August 2009 (EX 33.4)**

### **Implementation Schedule for Accessible Customer Service**

#### **Introduction**

The City of Toronto strives at all times to provide equal treatment and equitable benefits of City services, programs and facilities in a manner that respects the dignity and independence of people with disabilities.

The City's Statement of Commitment to providing accessible customer service gives guidance to the delivery of City services to people with disabilities, in compliance with the requirements of provincial legislation. (Accessibility Standards for Customer Service,



O. Reg 429/07 established under the Accessibility for Ontarians with Disabilities Act, 2005, S. O. 2005, c.11.

This Statement applies to all City employees, volunteers and third party contractors who deal with the public on behalf of the City, and those who are involved in City policy and program development.

### **Assistive devices**

City employees, volunteers and third party contractors shall accommodate the use of personal assistive devices, which enable a person with a disability to access the City's services, programs and facilities. Assistive devices include and are not limited to: GPS, mobility devices, personal oxygen tanks, mini pocket recorder and communication boards (eg. a Bliss board).

Assistive devices for access to specific services and programs shall be kept in good working order and the public shall be informed of their availability. Examples are: Assistive Listening Devices and FM Loop systems.

### **Service animals**

City employees, volunteers and third party contractors shall accommodate the use of service animals by people with disabilities who are accessing City services, programs and facilities unless the animal is otherwise excluded by law, such as food preparation areas as prohibited by Food Premises, R.R.O. 1990, Reg. 562 under the Health Protection and Promotion Act, R.S.O. 1990, c. H.7.

A guide dog is defined in Section One of the Blind Persons' Rights Act. To be considered a service animal under the Customer Service Standard, it must be readily apparent that the animal is being used because of a person's disability or the person with a disability must provide a letter from a physician or nurse confirming that it is required because of his or her disability.

### **Support persons**

Where a person with a disability accessing City services, programs or facilities is accompanied by a support person, City employees, volunteers and third party contractors shall ensure that both persons are permitted to enter the premises together and shall ensure that the person with a disability can access the support person while on the premises.

A support person is a person who accompanies the person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods or services. The support person can be a paid support worker, volunteer, a friend or a family member.

## **Admission fees**

If the City charges an admission fee in connection with a support person's presence at an event or function, the City shall post a notice, providing information in advance about the amount, if any, that is payable by the support person accompanying a person with a disability.

## **Communication**

When communicating with a person with a disability, City employees, volunteers and third party contractors shall do so in a manner that respects the person's disability.

## **Notice of service disruption**

If there is a temporary disruption in the availability of services, programs and facilities used by persons with disabilities (e.g., temporary loss of elevator service), the City shall notify the public of the reason for the disruption, the date(s) of disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available. Such notice may be provided by a variety of methods, depending on the circumstances, and may include postings in conspicuous places at the affected premises, other City facilities, and the City's website ([www.toronto.ca](http://www.toronto.ca)), as well as by other means that will ensure that the notice reaches those persons potentially affected by the temporary disruption.

## **Training**

The City of Toronto shall ensure that City employees and volunteers who deal with the public on behalf of the City, and those who are involved in City policy and program development receive training on accessible customer service.

Third party contractors who deliver goods and services on behalf of the City are also required to ensure that they meet the requirements of the Accessibility Standards for Customer Service, O. Reg. 429/07, as provided.

Training includes information on the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11 and the requirements of the Accessibility Standards for Customer Service, O. Reg. 429/07.

Managers and supervisors shall ensure that training records are maintained, including dates when training is provided and the number of employees who received training.

Customer Service training can take various forms as a part of an orientation or a separate training program. The training can be provided through handouts at an orientation session, a mandatory online module, in a classroom setting, or through other formats.

## **Feedback**

The City of Toronto shall ensure that every area that interacts directly with the public develops and publishes a process for receiving and responding to feedback about how services and programs are delivered to people with disabilities.

Public feedback may be provided in person, by telephone, in writing or by electronic means. Feedback received by the City of Toronto shall be responded to, documented and tracked.

## **Documentation**

Documentation that describes this Statement and accessibility requirements shall be maintained on the City's website ([www.toronto.ca](http://www.toronto.ca)) and provided to individuals, upon request, in the appropriate format.

## **Responsibilities**

The City Manager's Office is responsible for reviewing this Statement and accessibility requirements annually and recommending amendments to ensure on-going compliance with regulated accessibility standards and legislated obligations.

The City Manager's Office shall provide advice and direction on the implementation of this Statement.

## **Legislative and administrative authorities**

- Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005.
- Accessibility Standards for Customer Service, O. Reg. 429/07.
- Human Rights Code, R.S.O. 1990, c. H.19.

## **Compliance Resources: Accessibility Standards for Customer Service, Ontario Reg. 429/07; Accessibility Directorate of Ontario**

- Compliance Manual, October 2008.
- Guide to the Accessibility Standards for Customer Service, O. Reg. 429/07, January 2008.
- Training Resource, February 2009.