



## POLICY No. 2009-02 Accessible Customer Service Policy

**Originating Department** CLS-LI-06-2009

**SMT Approval:**

**Council in Committee:** 2009-09-14

**Recommendation #:** 27

**Council Approval:** 2009-09-21

**Resolution #:** 281-09

**Revision History:**

[Click here for revision history](#)

### 1. PURPOSE

The *Accessibility for Ontarians with Disabilities Act, 2005* (the “AODA”) is a Provincial Act with the purpose of developing, implementing and enforcing accessibility standards in order to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025.

Under the AODA, Ontario Regulation 429/07, entitled “Accessibility Standards for Customer Service,” came into force on January 1, 2008. The Regulation establishes accessibility standards for customer service and applies to every designated public sector organization and to every other person or organization that provides goods, services or facilities to members of the public or other third parties and that has at least one employee in Ontario.

This policy is drafted in accordance with the “Accessibility Standards for Customer Service” (Ontario Regulation 429/07) and addresses the following:

- the provision of goods, service and facilities to persons with disabilities;
- the use of assistive devices by persons with disabilities;
- the use of service animals by persons with disabilities;
- the use of support persons by persons with disabilities;
- notice of temporary disruption to service or facilities;
- customer feedback regarding the provision of goods and services to persons with disabilities; and
- notice of availability and format of documents.

### 2. POLICY

The Corporation of Haldimand County is committed to improving accessibility for persons with disabilities in a manner that respects dignity, independence, integration and equality of opportunity. This is in keeping with Haldimand County’s Mission Statement to promote the well-being of communities, and its Vision Statement to meet community needs through service improvements, staff development, integrated planning, use of technology and balanced policies.

Haldimand County is committed to complying with both the *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*. Haldimand County understands that obligations under the *AODA* and its accessibility standards do not substitute for, or limit its obligations under, the *Ontario Human Rights Code* or obligations to people with disabilities under any other law.

This policy will be provided in accessible format or with communication support, upon request.

### **Application:**

This policy applies to:

- Members of Council;
- all employees of, and volunteers for the Corporation of Haldimand County, including Volunteer Firefighters and members of the Haldimand County Public Library Board and its employees and volunteers;
- all people who participate in developing Haldimand County's or the Haldimand County Public Library Board's policies;
- all other people who provide goods, services or facilities to customers on behalf of Haldimand County.

### **3. DEFINITIONS**

An **assistive device** is a tool, technology or other mechanism that enables a person with a disability to do everyday tasks and activities such as moving, communicating or lifting. It helps the person to maintain his or her independence at home, at work and in the community. Assistive devices include items such as, but not limited to, communication aids, cognition aids, personal mobility aids and medical aids.

A **barrier** is defined as anything that prevents a person from fully participating in all aspects of society because of a disability.

- Architectural or physical barriers are features of buildings or spaces that cause problems for people with disabilities, for example, doorways that are too narrow for a person using a wheelchair, and poor lighting for people with low vision.
- Information and communication barriers happen when a person cannot easily understand information, for example, a publication that is not available in large print or unavailability of TTYs;
- Attitudinal barriers are those that discriminate against people with disabilities, for example, assuming that a person with a speech impediment cannot understand you.
- Technology barriers occur when a technology cannot be modified to support various assistive devices, for example, a website that does not support screen-reading software, or traffic lights that change too quickly before a person with a disability has time to get through the intersection.

**“Disability”** covers a broad range and degree of conditions, some visible and some not. A disability may have been present from birth, caused by an accident, or developed over time. It includes physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. The *Ontario Human Rights Code* provides for equal rights and opportunities, and freedom from discrimination. Under the “Interpretation and Application” section of the *Code*: “disability” means,

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental impairment or a developmental disability;
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

The **principle of dignity** calls for policies, procedures and practices that respect the dignity of a person with a disability. Dignified service means not treating persons with disabilities as an afterthought, or forcing them to accept lesser service, quality or convenience.

The **principle of equality of opportunity** means having the same chances, options, benefits and results as others. People with disabilities should not have to accept lesser quality, more inconvenience, or apply significantly more effort in order to access or obtain service.

The **principle of independence** means freedom from control or influence of others; ensuring that people are able to do things on their own without unnecessary help or interference from others.

The **principle of integration** means that services are provided in such a way that people with disabilities can fully benefit from the same services, in the same place, and in the same or similar way as other customers, unless an alternate measure – whether on a temporary or permanent basis – is necessary to enable a person with a disability to access goods or services.

To be considered a **service animal** under the Standard, it must either be readily apparent that the animal is being used because of a person's disability, or staff may ask the person with a disability to provide documentation, from a regulated health professional, that confirms the person needs the service animal for reasons related to his or her disability. Examples of service animals include dogs used by people who are blind, hearing alert animals for people who are Deaf, and animals who are trained to alert an individual to an oncoming seizure and lead them to safety.

There is an exception to the requirement under the Standard on allowing service animals, and that is when another law specifically states that animals must be excluded (for example, Ontario Regulation 562 under the *Health Protection and Promotion Act* states that animals are not allowed in places where food is manufactured, prepared, processed, handled, served, displayed, stored, sold or offered for sale. The regulation makes an exception for service animals to allow them to go where food is normally served, sold or offered for sale.)

A **regulated health professional** is defined as a member of one of the following colleges:

- College of Audiologists and Speech-Language Pathologists of Ontario
- College of Chiropractors of Ontario
- College of Nurses of Ontario
- College of Occupational Therapists of Ontario
- College of Optometrists of Ontario
- College of Physicians and Surgeons of Ontario
- College of Physiotherapists of Ontario

- College of Psychologists of Ontario
- College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

Some people with disabilities rely on **support persons** for certain services or assistance, for example, a person with a speech impediment may use a support person to facilitate communication. A support person may be a paid professional, a volunteer, a family member or friend of the person with the disability. The support person does not necessarily need to have special training or qualifications. In some cases, a support person may have to agree to rules or requirements that are specific to the kinds of goods or services that the County provides. Where confidentiality is important because of the kind of information being discussed, staff may require the support person to sign a confidentiality agreement.

**Policy:**

**4. ASSISTIVE DEVICES**

Persons with disabilities may use their personal assistive devices when accessing Haldimand County's goods, services or facilities. In cases where the assistive device presents a significant and unavoidable health or safety concern, or may not be permitted for other reasons, other measures will be used to ensure the person with a disability can access the County's goods, services and facilities. Where applicable, assistive devices owned and operated by Haldimand County will be available for use by persons with disabilities upon request.

It is the responsibility of the person with a disability to ensure that his or her assistive device is operated in a safe and controlled manner at all times.

**5. SERVICE ANIMALS**

Persons with disabilities may enter premises owned and operated, or operated, by Haldimand County accompanied by a service animal and keep that animal with them if the public has access to such premises and the animal is not otherwise excluded by law (see list of legislation under "Related Documents," which provides a non-exhaustive list of such legislation.)

Where a service animal is to be denied access to a facility or area of a facility, other accommodations may be afforded, such as delivering the goods or services at an alternate time or location, or in an alternate format, such as teleconference/videoconference, where technology permits.

Owners of service animals may receive information from staff as to the location of fresh water for the service animal and where service animals may be walked to relieve themselves.

If it is not readily apparent that the animal is a service animal, the County may ask the person with a disability for a letter from a regulated health professional, confirming that the person requires the service animal for reasons relating to his or her disability.

It is the responsibility of the person with a disability to ensure that his or her service animal is kept in control at all times.

**6. SUPPORT PERSONS**

A person with a disability may enter premises owned and operated, or operated, by Haldimand County with a support person and have access to the support person while on the premises.

A support person, when assisting a person with a disability to obtain, use or benefit from Haldimand County's goods, services and facilities, where an admission fee/fare is applicable, will be permitted to attend free of admission, except:

- when there are fees/fares applied against participants by a third party;
- where the support person actively participates in the program or service, for example, if a meal is served at a fund-raising dinner;
- where no vacancy exists.

If admission to an event is permitted and fees are payable to a third party, the support person is permitted to attend the event at his or her own cost. Where admission fees are applicable, Haldimand County will provide advance written notice of the fee on all applicable communications.

The customer shall determine whether a support person is necessary. Haldimand County may deem it necessary, however, to require a support person for a person with a disability in order to protect the health and safety of that person or of others on the premises. This will occur only after consultation with the person with a disability, using the following criteria:

- there is a significant risk to the health and safety of the person with a disability or others;
- the risk is greater than the risk associated with other customers;
- the assessment of the risk is based on consideration of the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm;
- the assessment of risk is based on the individual's actual characteristics, not on stereotypes about persons with disabilities.

If Haldimand County determines that a support person is required, the County will waive the admission fee or fare for the support person.

## **7. NOTICE OF TEMPORARY SERVICE DISRUPTION**

In the event of a planned service disruption to facilities or services that are relied upon by persons with disabilities to access Haldimand County's goods, services or facilities, notice of the disruption shall be provided in advance. A clearly posted notice will include the following information:

- location of disruption (i.e., address)
- the reason for disruption;
- anticipated duration of the disruption outlining inclusive dates and times;
- description of alternate facilities or services, if available;
- contact information for more information or assistance.

Notice may be given by posting the above information in a conspicuous place on the affected premises, and will be posted on the Haldimand County web site, or by such other method as is reasonable under the circumstances. In the event of an unexpected disruption, a notice will be made available as soon as possible.

## **8. TRAINING**

Haldimand County will provide accessible customer training to:

- all employees and volunteers
- anyone involved in developing County policies

- anyone who provides goods, services or facilities to customers on the County's behalf.

The content of the training, regardless of format, will include:

- an overview of the purposes of the *AODA*;
- an overview of the requirements of the Accessibility Standards for Customer Service;
- instruction on Haldimand County's policies, procedures and practices pertaining to the provision of goods, services and facilities to persons with disabilities;
- instruction on interacting and communicating with people with various types of disabilities;
- instruction on interacting with people with disabilities who use assistive devices, or require the assistance of a guide dog, other service animal, or a support person;
- information about the equipment or devices available on the County's premises that may help with the provision of goods and services to people with disabilities;
- instruction about what to do if a person with a disability is having difficulty accessing County goods, services or facilities.

Training will be provided as soon as practicable upon an individual commencing employment or volunteer duties, and on an ongoing basis as changes occur to the County's policies, procedures and practices governing the provision of goods or services to persons with disabilities.

The County will keep records of the training, including the date on which training is provided, the names of the people to whom the training is provided, and the number of individuals to whom it is provided. The names of individuals trained will be recorded for training administration purposes, subject to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

## 9. FEEDBACK PROCESS

Feedback from a member of the public about the delivery of goods, services and facilities to persons with disabilities may be given by telephone, in person, in writing, in electronic format or through other methods, and all such documents will be logged.

Response time to the feedback will depend on the issue, but will not exceed fifteen business days.

Information about the feedback process will be readily available to the public and notice of the process will be posted on the County's website ([www.haldimandcounty.on.ca](http://www.haldimandcounty.on.ca)) and/or in other appropriate locations.

## 10. AVAILABILITY AND FORMAT OF DOCUMENTS REQUIRED BY THE ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE

Haldimand County shall notify persons to whom it provides goods, services and facilities that the documents required under this regulation are available upon request, subject to *MFIPPA*. The notice may be given by posting the information at a conspicuous place owned and operated by Haldimand County, the website, and/or any other reasonable method. Haldimand County will provide this document in an accessible format or with communication support, on request.

If Haldimand County is required to provide a copy of a document to a person with a disability, Haldimand County will take into consideration the person's disability and provide that document in an appropriate format. Haldimand County and the person with a disability will determine what format will be used. Haldimand County will provide the accessible format at no additional cost.

## 11. EXCLUSIONS

This policy shall not apply during any period where an emergency has been declared by the head of Council.

## 12. RESPONSIBILITIES

Haldimand County (includes all departments, divisions and staff) is responsible for ensuring compliance with the Accessible Customer Service Regulation 429/07 by:

- including accessibility in annual planning processes;
- budgeting for accessibility requirements;
- establishing policies, practices and procedures on providing goods, services and facilities to people with disabilities, and ensuring that the policies, practices and procedures are consistent with the principles of independence, dignity, integration and equality of opportunity;
- supporting staff and volunteer attendance at training on providing customer service to people with disabilities;
- communicating with a person with a disability regarding the use of a service animal, support person, or assistive device;
- coordinating and/or providing services to a person with a disability who may use a service animal, support person, or assistive device;
- providing notification of service disruptions and support person admission fees/fares;
- establishing a feedback process so that the public can comment on the provision of goods and services to people with disabilities;
- providing notification that policies, practices and procedures are available and will be provided in a format that takes into account the requesting person's disability.

The Customer is responsible for:

- care and control of his or her service animal when accessing goods or services;
- providing service animal certification upon request;
- providing input when requested in order to work out service discrepancies;
- using feedback process to provide comments on service.

## 13. REFERENCES

- [Ontarians with Disabilities Act, 2001](#)
- [Accessibility for Ontarians with Disabilities Act, 2005](#)
- [Ontario Regulation 429/07 - Accessible Standards for Customer Service](#)
- [Ontario Human Rights Code](#)
- [Haldimand County Accessibility Plan](#)
- [Ontario Regulation 31/05 under the Food Safety and Quality Act, 2001](#)
- [Ontario Regulation 562 under the Health Protection and Promotion Act](#)
- [Haldimand County Animal Control By-law](#)
- [Ontario Dog Owner's Liability Act](#)

| REVISION HISTORY |           |        |           |            |         |
|------------------|-----------|--------|-----------|------------|---------|
| REPORT           | CIC       |        | COUNCIL   |            | DETAILS |
| CLS-LI-06-2009   | 14-Sep-09 | Rec#27 | 21-Sep-09 | Res#281-09 |         |
|                  | Date      | Rec#   | Date      | Res#       |         |
|                  | Date      | Rec#   | Date      | Res#       |         |
|                  | Date      | Rec#   | Date      | Res#       |         |
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