

Accessibility for Ontarians with Disabilities Act, 2005

ONTARIO REGULATION 429/07 ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE

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This is the English version of a bilingual regulation.

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Purpose and application

1. (1) This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario. O. Reg. 429/07, s. 1 (1).

(2) In this Regulation,

“designated public sector organization” means the Legislative Assembly and the offices of persons appointed on the address of the Assembly, every ministry of the Government of Ontario, every municipality and every person or organization listed in Schedule 1 or described in Schedule 2 to this Regulation; (“organisation désignée du secteur public”)

“provider of goods or services” means a person or organization to whom this Regulation applies. (“fournisseur de biens ou de services”) O. Reg. 429/07, s. 1 (2).

Effective dates

2. The accessibility standards for customer service apply to the designated public sector organizations on and after January 1, 2010 and to other providers of goods or services on and after January 1, 2012. O. Reg. 429/07, s. 2.

Establishment of policies, practices and procedures

3. (1) Every provider of goods or services shall establish policies, practices and procedures governing the provision of its goods or services to persons with disabilities. O. Reg. 429/07, s. 3 (1).

(2) The provider shall use reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

1. The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.
2. The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.

3. Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services. O. Reg. 429/07, s. 3 (2).

(3) Without limiting subsections (1) and (2), the policies must deal with the use of assistive devices by persons with disabilities to obtain, use or benefit from the provider's goods or services or the availability, if any, of other measures which enable them to do so. O. Reg. 429/07, s. 3 (3).

(4) When communicating with a person with a disability, a provider shall do so in a manner that takes into account the person's disability. O. Reg. 429/07, s. 3 (4).

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures and, upon request, shall give a copy of a document to any person. O. Reg. 429/07, s. 3 (5).

Use of service animals and support persons

4. (1) This section applies if goods or services are provided to members of the public or other third parties at premises owned or operated by the provider of the goods or services and if the public or third parties have access to the premises. O. Reg. 429/07, s. 4 (1).

(2) If a person with a disability is accompanied by a guide dog or other service animal, the provider of goods or services shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her unless the animal is otherwise excluded by law from the premises. O. Reg. 429/07, s. 4 (2).

(3) If a service animal is excluded by law from the premises, the provider of goods or services shall ensure that other measures are available to enable the person with a disability to obtain, use or benefit from the provider's goods or services. O. Reg. 429/07, s. 4 (3).

(4) If a person with a disability is accompanied by a support person, the provider of goods or services shall ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises. O. Reg. 429/07, s. 4 (4).

(5) The provider of goods or services may require a person with a disability to be accompanied by a support person when on the premises, but only if a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises. O. Reg. 429/07, s. 4 (5).

(6) If an amount is payable by a person for admission to the premises or in connection with a person's presence at the premises, the provider of goods or services shall ensure that notice is given in advance about the amount, if any, payable in respect of the support person. O. Reg. 429/07, s. 4 (6).

(7) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare one or more documents describing its policies, practices and procedures with respect to the matters governed by this section and, upon request, shall give a copy of a document to any person. O. Reg. 429/07, s. 4 (7).

(8) In this section,

“guide dog” means a guide dog as defined in section 1 of the *Blind Persons' Rights Act*; (“chien-guide”)

“service animal” means an animal described in subsection (9); (“animal d'assistance”)

“support person” means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services. (“personne de soutien”) O. Reg. 429/07, s. 4 (8).

(9) For the purposes of this section, an animal is a service animal for a person with a disability,

(a) if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or

(b) if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability. O. Reg. 429/07, s. 4 (9).

Notice of temporary disruptions

5. (1) If, in order to obtain, use or benefit from a provider's goods or services, persons with disabilities usually use particular facilities or services of the provider and if there is a temporary disruption in those facilities or services in whole or in part, the provider shall give notice of the disruption to the public. O. Reg. 429/07, s. 5 (1).

(2) Notice of the disruption must include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available. O. Reg. 429/07, s. 5 (2).

(3) Notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider of goods or services, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 429/07, s. 5 (3).

(4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document that sets out the steps to be taken in connection with a temporary disruption and, upon request, shall give a copy of the document to any person. O. Reg. 429/07, s. 5 (4).

Training for staff, etc.

6. (1) Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties. O. Reg. 429/07, s. 6 (1).

(2) The training must include a review of the purposes of the Act and the requirements of this Regulation and instruction about the following matters:

1. How to interact and communicate with persons with various types of disability.
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 provider's premises or otherwise provided by the 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 provider's goods or services. O. Reg. 429/07, s. 6 (2).

(3) The training must be provided to each person as soon as practicable after he or she is assigned the applicable duties. O. Reg. 429/07, s. 6 (3).

(4) Training must also be provided on an ongoing basis in connection with changes to the policies, practices and procedures governing the provision of goods or services to persons with disabilities. O. Reg. 429/07, s. 6 (4).

(5) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its training policy, and the document must include a summary of the contents of the training and details of when the training is to be provided. O. Reg. 429/07, s. 6 (5).

(6) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided. O. Reg. 429/07, s. 6 (6).

Feedback process for providers of goods or services

7. (1) Every provider of goods or services shall establish a process for receiving and responding to feedback about the manner in which it provides goods or services to persons with disabilities and shall make information about the process readily available to the public. O. Reg. 429/07, s. 7 (1).

(2) The feedback process must permit persons to provide their feedback in person, by telephone, in writing, or by delivering an electronic text by email or on diskette or otherwise. O. Reg. 429/07, s. 7 (2).

(3) The feedback process must specify the actions that the provider of goods or services is required to take if a complaint is received. O. Reg. 429/07, s. 7 (3).

(4) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall prepare a document describing its feedback process and, upon request, shall give a copy of the document to any person. O. Reg. 429/07, s. 7 (4).

Notice of availability of documents

8. (1) Every designated public sector organization and every other provider of goods or services that has at least 20 employees in Ontario shall notify persons to whom it provides goods or services that the documents required by this Regulation are available upon request. O. Reg. 429/07, s. 8 (1).

(2) The notice may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 429/07, s. 8 (2).

Format of documents

9. (1) If a provider of goods or services is required by this Regulation to give a copy of a document to a person with a disability, the provider shall give the person the document, or the information contained in the document, in a format that takes into account the person's disability. O. Reg. 429/07, s. 9 (1).

(2) The provider of goods or services and the person with a disability may agree upon the format to be used for the document or information. O. Reg. 429/07, s. 9 (2).

Compliance

10. For purposes of paragraph 3 of subsection 21 (3), paragraph 2 of subsection 21 (4), subsection 21 (5) and paragraph 2 of subsection 33 (8) of the Act, Part V (Compliance) of Ontario Regulation 191/11 applies, with necessary modifications, to contraventions of this Regulation. O. Reg. 192/11, s. 1.

Accessibility report

11. (1) For the purposes of filing an accessibility report under section 14 of the Act, section 86.1 of Ontario Regulation 191/11 (Integrated Accessibility Standards) made under the Act, applies with necessary modifications to the filing of a report with respect to the accessibility standard for customer service. O. Reg. 415/12, s. 1.

(2) For the purposes of subsection (1), the terms used in section 86.1 of Ontario Regulation 191/11 that have a defined meaning under that regulation have the same meaning when applied to the filing of an accessibility report with respect to the accessibility standard for customer service. O. Reg. 415/12, s. 1.

SCHEDULE 1
BOARDS, COMMISSIONS, AUTHORITIES AND AGENCIES

1. Agriculture, Food and Rural Affairs Appeal Tribunal.
2. Agricorp.
3. Alcohol and Gaming Commission of Ontario.
4. Algonquin Forestry Authority.
5. Assessment Review Board.
6. Board of negotiation continued under subsection 27 (1) of the *Expropriations Act*.
7. Cancer Care Ontario.
8. The Centennial Centre of Science and Technology.
9. Child and Family Services Review Board.
10. College Compensation and Appointments Council.
11. Each community care access corporation as defined in section 1 of the *Community Care Access Corporations Act, 2001*.
12. Consent and Capacity Board.
13. Conservation Review Board.
14. Criminal Injuries Compensation Board.
15. Crown Employees Grievance Settlement Board.
16. Custody Review Board.
17. Deposit Insurance Corporation of Ontario.
18. Echo: Improving Women's Health in Ontario.
19. Education Quality and Accountability Office.
- 19.1 eHealth Ontario.
20. Environmental Review Tribunal.
21. Financial Services Commission of Ontario.
22. Financial Services Tribunal.
23. Fire Marshal's Public Fire Safety Council.
24. Fire Safety Commission.
25. Greater Toronto Transit Authority.
26. Greater Toronto Transportation Authority.
27. Health Professions Appeal and Review Board.

28. Health Professions Regulatory Advisory Council.
29. Health Services Appeal and Review Board.
- 29.1 Human Rights Legal Support Centre.
30. Human Rights Tribunal of Ontario.
31. Landlord and Tenant Board.
32. Legal Aid Ontario.
33. Licence Appeal Tribunal.
34. Liquor Control Board of Ontario.
35. Each local health integration network as defined under section 2 of the *Local Health System Integration Act, 2006*.
36. McMichael Canadian Art Collection.
37. Metropolitan Toronto Convention Centre Corporation.
38. Niagara Escarpment Commission.
39. Niagara Parks Commission.
40. Normal Farm Practices Protection Board.
41. Office of the Employer Adviser.
42. Office of the Worker Adviser.
- 42.1 Ontario Agency for Health Protection and Promotion.
43. Ontario Civilian Commission on Police Services.
44. Ontario Clean Water Agency.
45. Ontario Educational Communications Authority.
46. Ontario Electricity Financial Corporation.
47. Ontario Energy Board.
48. Ontario Farm Products Marketing Commission.
49. Ontario Film Review Board.
50. Ontario Financing Authority.
51. Ontario Food Terminal Board.
52. Ontario French-language Educational Communications Authority.
53. Ontario Health Quality Council.
54. Ontario Heritage Trust.
55. Ontario Highway Transport Board.
56. Ontario Human Rights Commission.
57. Ontario Infrastructure and Lands Corporation.
58. Ontario Labour Relations Board.
59. Ontario Lottery and Gaming Corporation.
60. Ontario Media Development Corporation.
61. Ontario Mental Health Foundation.
62. Ontario Municipal Board.
63. Ontario Northland Transportation Commission.
64. Ontario Parole and Earned Release Board.
65. Ontario Pension Board.
66. Ontario Place Corporation.

67. Ontario Police Arbitration Commission.
68. Ontario Racing Commission.
69. REVOKED: O. Reg. 205/11, s. 1 (2).
70. Ontario Review Board.
71. Ontario Securities Commission.
72. Ontario Special Education Tribunal (English).
73. Ontario Special Education Tribunal (French).
74. Ontario Tourism Marketing Partnership Corporation.
75. Ontario Trillium Foundation.
76. Ottawa Congress Centre.
77. Owen Sound Transportation Company.
78. Pay Equity Hearings Tribunal.
79. Pay Equity Office.
80. Province of Ontario Council for the Arts.
81. Public Service Grievance Board.
82. Royal Ontario Museum.
83. St. Lawrence Parks Commission.
84. Science North.
85. REVOKED: O. Reg. 373/08, s. 1 (2).
86. Social Assistance Review Board.
87. Social Benefits Tribunal.
88. Soldiers' Aid Commission.
89. Trillium Gift of Life Network.
90. Walkerton Clean Water Centre.
91. Workplace Safety and Insurance Appeals Tribunal.
92. Workplace Safety and Insurance Board.

O. Reg. 429/07, Sched. 1; O. Reg. 373/08, s. 1; O. Reg. 205/11, s. 1.

SCHEDULE 2
BROADER PUBLIC SECTOR

1. Every district school board as defined in section 1 of the *Education Act*.
2. Every hospital as defined in section 1 of the *Public Hospitals Act*.
3. Every college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
4. Every university in Ontario, including its affiliated and federated colleges, that receives operating grants from the Government of Ontario.
5. Every public transportation organization in Ontario, including any municipally operated transportation services for persons with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,
 - i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
 - ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
 - iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.

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