



AODA Update: Integration and Amendment of the Customer Service Standard

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On June 6, 2016, the Ontario government announced impending changes to the AODA's Accessibility Standards for Customer Service. The Customer Standard will be included in the Integrated Accessibility Standards Regulation, creating a streamlined resource for organizations to better understand their obligations with respect to accessibility. In tandem with this change, certain elements of the Customer Standard were amended.

This post provides a summary of the key changes to the Customer Standard, which will come into effect on July 1, 2016.

Large and Small Organizations

Previously, the Customer Standard and Integrated Standard had different definitions of "large" and "small" organizations, and certain requirements were differentiated on this basis.

As of July 1, 2016, the Customer Standard's definition will change, in that a large organization will be one with 50 or more employees, and a small organization will be one with fewer than 50 employees, in Ontario.

This shift in the definitions means that organizations with less than 50 employees in Ontario will no longer be obligated to reduce to writing certain aspects of the Customer Standard (i.e. policies, notice of disruptions, feedback process, training records, and notification of availability of policies).

Training

The Customer Standard currently requires that training must be provided to the employees of an organization that interact with customers or develop policies. As of July 1, 2016, all employees and volunteers of an organization must receive this training, regardless of whether they interact with customers or develop policies. This will require not only a broader training exercise, but also an update of the organization's Customer Standard policy, to reflect the new training scope.

While you do not need to re-train members of your organization who have already been trained on the Customer Standard, you must inform them about the changes and the updated accessible customer service policy.

Service Animals and Support Persons

Currently, the Customer Standard states that if a service animal cannot be easily identified, a note from a physician or nurse confirming the relationship may be requested. This requirement has been broadened to allow regulated health professionals to provide the confirmation.

Also expanded are those elements that an organization must consider before requiring that a person with a disability be accompanied by a support person due to health and safety reasons. Before reaching such a determination, the organization must: (i) consult with that person to understand their needs; (ii) consider health and safety reasons based on available evidence; and (iii) determine if there is no other reasonable way to protect the health and safety of the person or others on the premises. If your organization decides that a support person is required, the amount payable on admission for the support person must be waived.

Feedback

The Customer Standard currently requires that organizations provide a way for customers who have disabilities to provide feedback on how the organization provides accessible customer service. As of July 1, 2016, organizations must ensure that this feedback process is accessible, by providing or arranging for accessible formats and communication supports, on request.

Documentation

Large organizations must not only reduce their Customer Standard policy to writing and make it available upon request, but must also provide it in an accessible format or with a communication support, upon request.

Compliance

All organizations must comply with these changes effective July 1, 2016. It is important for your organization to update its accessible customer service policy to reflect the aforementioned changes, and to file your 2017 accessibility compliance report by December 31, 2017.

For further information on the AODA and its requirements, please refer to our blog archives or contact a member of the Stikeman Elliott Employment and Labour Group.

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