

Improving ACCESSIBILITY

Ontario braces for changes to Accessibility Standards

Recognizing that equality does not necessarily mean treating everyone identically, and that failure to consider unique needs can often produce significant inequality, Ontario has enacted customer service accessibility standards (O.Reg. 429/07, the "Standards") for persons with disabilities under the Accessibility for Ontarians with Disabilities Act, 2005 (the "AODA").

Rather, the Standards affect how those existing goods and services are provided to people with disabilities. Similarly, the Standards do not address physical accessibility, such as ramps, automatic doors, parking standards, etc. Rather, the Standards require recognition that persons with disabilities may need to access goods and services in a different way, and finding the most integrated manner of providing those goods and services.

The AODA gives the government significant enforcement powers. Inspectors can enter premises without a warrant to inspect a provider for compliance. Providers must cooperate with inspectors and it is an offence to refuse to provide inspectors with relevant information. The AODA empowers the directors appointed under the Act to make compliance orders and assess administrative penalties of up to \$2,000 for individuals and \$15,000 for corporations. Failure to comply with an order is a provincial offence punishable by fines of up to \$50,000 a day for individuals and \$100,000 for corporations. The AODA also extends liability to corporate directors. Where directors fail to take "all reasonable steps" to ensure the company's compliance with an order, they may each be liable for up to \$50,000 a day.

It is therefore important that providers of goods and services understand their obligations and be ready to comply with the Standards. It should also be noted that the Standards are the first stage of compliance required under the AODA. Ontario has also enacted the Integrated Accessibility Standards regulation (O.Reg. 191/11). The regulation combines accessibility standards in three other areas: information and technology, employment, and transportation. Compliance with these additional standards takes effect as early as Jan. 1, 2013, beginning with the Province itself.

goods or services open to the public. If admission fees will be charged for support workers, advance notice must be provided. Notice must also be provided of any service disruptions that might impact the ability of persons with disabilities to access the provider's goods or services, either on the premises, company website, or other reasonable method.

A unique feature of the Standards is that they require organizations to provide accessibility training to staff, volunteers, independent contractors, and anyone else interacting with the public on its behalf. Providers must also put in place a process that allows people to give feedback on how it provides goods or services to people with disabilities. The process must provide for responding to feedback and taking action on any complaints. Providers must also make information about their feedback process available to the public.

The Standards impose additional obligations on organizations with 20 or more employees. These providers must prepare written policies and procedures respecting accessibility, temporary disruptions, and the feedback process, and must notify customers that copies of these policies are available on request. They must also keep records of the training provided.

As important as understanding what the Standards require, is understanding what they do not. The Standards do not affect the nature of the goods and services that are offered; providers do not need to expand or alter the nature of their products or the service that is provided.

Where to Start: <http://www.restaurantcentral.ca/Ontarioaccessibilitystandard.aspx>

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