



City of
Peterborough

TO: Members of the Accessibility Advisory Committee

FROM: Joanne Cowley, Accessibility Compliance Coordinator

MEETING DATE: March 7, 2012

**SUBJECT: Report AAC12-004
Accessibility Legislation and Compliance Overview**

PURPOSE

A report to provide an overview to the Accessibility Advisory Committee on the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) and its subsequent standards. The standards include Accessibility Standards for Customer Service (Ontario Regulation 429/07), the Integrated Accessibility Standard (Ontario Regulation 191/11) and the Built Environment Standard. The corresponding presentation will outline the responsibilities of the City of Peterborough and the Accessibility Advisory Committee in relation to the AODA legislation.

RECOMMENDATION

That the Accessibility Advisory Committee receives the information outlined in Report AAC12-004 dated March 7, 2012 of the Accessibility Compliance Coordinator, as follows:

That Report AAC12-004 dated March 7, 2012 of the Accessibility Compliance Coordinator, and the staff presentation on the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) be received.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications to receive this report.

BACKGROUND

Legislation

The City of Peterborough has demonstrated leadership in the area of improving access to City services for several years in accordance with the Ontarians with Disabilities Act, 2001 (ODA).

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) became law on June 13, 2005. Under this legislation, the government of Ontario is continuing to develop mandatory accessibility standards that will identify, remove and prevent barriers for people with disabilities in key areas of daily living. Under the AODA, and current and future Regulations, private and public sector organizations across Ontario will be required to establish a series of standards including Customer Service, Built Environment, Information and Communications, Employment, and Transportation.

As of July 2010, three of the Standards (Information and Communications, Employment and Transportation) have been combined and renamed the Integrated Accessibility Standard which is applicable to both private and public sector organizations. This standard was released as legislation on June 3, 2011.

Accessibility Standard for Customer Service

The Accessibility Standard for Customer Service is the first standard and has been set out in Ontario Regulation 429/07. It came into effect on January 1, 2008. Public sector organizations complied by January 1, 2010. The private sector was to comply by January 1, 2012. This standard addresses business practices and training needed to provide better customer service to people with disabilities.

Ontario Regulation 429/07 outlines the requirements for organizations on making customer service more accessible including staff training, roles and responsibilities of Accessibility Advisory Committees (AAC). Subsection 6 (1) (2) of this Regulation states that “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” are to be trained. Accessibility Advisory Committee members are included in this category.

In order to comply with the Accessibility Standard for Customer Service, the City of Peterborough:

- Hired an Accessibility Compliance Coordinator for the four-year period 2009-2012. The Coordinator was hired on July 13, 2009.

- Established a Customer Service Policy, through Report CPFPRS09-015, dated June 29, 2009, which is attached as Appendix A.
- Developed the Accessible Customer Service Policy and eight supporting procedures. The procedures include:
 - Support Persons
 - Service Animals
 - Assistive Devices and Services
 - Communicating and Interacting
 - Temporary Service Disruptions
 - Availability of Accessible Customer Service Documents
 - Feedback for Accessible Customer Service, and
 - Accessible Customer Service Training
- Trained approximately 1,500 people including staff and volunteers. Records are kept of attendees, training dates and the type of training received to meet compliance. This is an ongoing requirement for all new staff and volunteers. Summary of training program attached as Appendix B.
- Ensured all agents to the City of Peterborough are in compliance. An agent is defined as “a person or business providing goods or services on behalf of the City through a contract or agreement”. This is an ongoing requirement.

Accomplishments, in relation to the Accessibility Standard for Customer Service, since January 1, 2010 includes the following:

- Presented the annual Accessibility Report for the Customer Service Standard, as required under Section 14 of the AODA, to Council for approval and then submitted to the Province by March 31, 2010.
- Implemented a process with the Human Resources Division to ensure that all new hires receive the required Accessible Customer Service training.
- Reviewed and adjusted, as required, City policies to comply with the AODA.
- Implemented a procedure to receive, review and respond to feedback regarding accessible customer service as required.
- Assisted the City Clerk to ensure all AODA requirements were met for the 2010 Municipal Election.
- Implemented an ongoing process for posting Notices of Disruption of Service for City services and facilities.

- Created and distributed a brochure summarizing the policy and procedures to various City facilities.
- The City's Internet and Intranet web sites provide updates and resources on the AODA, the Accessibility Standard for Customer Service, Integrated Standard and Built Environment Standard.
- Created and distributed Accessibility Spotlight, a newsletter which provides regular updates on accessibility and tips to help staff provide accessible service and documents to our customers.

Integrated Accessibility Standard

The Integrated Standard, Ontario Regulation 191/11, which includes the Information and Communications, Employment and Transportation Standards, was passed as legislation on June 3, 2011. This standard has various compliance dates from 2011 until the year 2021. To date we are on schedule with the requirements and compliance dates.

This Regulation is not a replacement or a substitution for the requirements established under the Ontario Human Rights Code nor do the standards limit any obligations owed to persons with disabilities under any other legislation.

Built Environment Standard

The Built Environment Standard is currently with the Ministry of Community and Social Services for approval. A public review was completed on October 16, 2010. We are still awaiting the release of this standard.

SUMMARY

The City of Peterborough is committed to ensuring that it provides goods, services and facilities to the community in accordance with the principles of dignity, independence, integration and equal opportunity and that this goal is inclusive of citizens with disabilities.

Submitted by,

Joanne Cowley
Accessibility Compliance Coordinator

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Attachments:
Appendix A – Accessible Customer Service Policy
Appendix B – Accessible Customer Service Training Program

Appendix A



DRAFT POLICY

ACCESSIBLE CUSTOMER SERVICE

Policy Type:	Municipal Services	Effective Date:	2010-01-01
Department:	Corporate Services	Approval Level:	Council
Division:	Financial Planning and Revenue	Policy #:	
Section/Facility:	Customer Service	Revision #:	N/A

1.0 PURPOSE

- 1.1 To facilitate compliance with the Accessibility Standards for Customer Service (Ontario Regulation 429/07), made under the Accessibility for Ontarians with Disabilities Act, 2005, and other relevant sections of that Act as well as the Ontarians with Disabilities Act, 2001.

2.0 APPLICATION

- 2.1 This policy and its related procedures apply to:
- .1 Every Customer Service Representative (CSR).
 - .2 Anyone who participates in or oversees the development of City policies, practices, and procedures governing the provision of City goods or services to members of the public or other third parties.

3.0 DEFINITIONS/ACRONYMS (As Required)

Agent - A person or business providing goods or services on behalf of the City through a contract or agreement.

Assistive Device - A device that is used by people with disabilities to help with daily living, including cognition aids, communication aids, medical aids, and personal mobility aids. Examples include: wheel chairs, walkers, white canes, oxygen tanks, portable chalkboards, and electronic communication devices.

City - The Corporation of the City of Peterborough.

Appendix A



DRAFT POLICY

ACCESSIBLE CUSTOMER SERVICE

3.0 DEFINITIONS/ACRONYMS (As Required)

City Goods or Services - Goods or services provided by the City or an agent on behalf of the City.

Customer Service Representative (CSR) - An employee, agent, volunteer or otherwise who, on behalf of the City, provides or oversees the provision of City goods or services to members of the public or other third parties.

Disability - "Disability" as defined in the Human Rights Code, 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; ("handicap").

Third Party - A representative of a business or organization who is receiving City goods or services or acting in an official capacity. Examples include: Provincial inspectors, vendors, or local media.

Appendix A




DRAFT POLICY

ACCESSIBLE CUSTOMER SERVICE

4.0 POLICY STATEMENT(S)

- 4.1** The City will use reasonable efforts to ensure that its policies, procedures, and practices regarding the provision of goods and services to all residents, including people with disabilities, are consistent with the following principles:
- .1 Goods and services will be provided in a manner that respects the dignity and independence of all residents;
 - .2 The provision of goods and services to people with disabilities will be integrated with conventional service 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 City goods and services; and
 - .3 All residents will be given an equal opportunity to obtain, use, and benefit from City goods and services.
- 4.2** People with disabilities can use assistive devices to obtain, use, or benefit from City goods or services. Exceptions could occur if a Customer Service Representative (CSR) determines that the assistive device poses a safety risk. In such situations, and in situations where greater accessibility may be provided, CSRs will offer alternate service options.
- 4.3** The City will ensure that all CSRs receive accessible customer service training in accordance with section 6 of the Accessibility Standards for Customer Service (Ontario Regulation 429/07).
- 4.4** When communicating with a person with a disability, CSRs will do so in a manner that takes into account the person's disability.

Appendix A

 City of Peterborough	<div style="background-color: #4F7942; color: white; padding: 5px; font-weight: bold; font-size: 1.2em;">DRAFT</div> <div style="background-color: black; color: white; padding: 5px; font-weight: bold; font-size: 1.2em;">POLICY</div> <div style="background-color: black; color: white; padding: 5px; font-weight: bold; font-size: 1.1em;">ACCESSIBLE CUSTOMER SERVICE</div>						
5.0 APPENDIX, RELATED POLICIES, PROCEDURES & LINKS							
<p>5.1 Pertinent Resources</p> <p><u>Accessibility for Ontarians with Disabilities Act, 2005</u> http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_05a11_e.htm</p> <p><u>Ontarians with Disabilities Act, 2001</u> http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01o32_e.htm</p> <p><u>Accessibility Standards for Customer Service (Ontario Regulation 429/07)</u> http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_070429_e.htm</p> <p>5.2 Related Policies N/A</p> <p>5.3 Related Procedures Accessibility Training Procedure Assistive Devices and Services Procedure Communicating with People with Disabilities Procedure Customer Service Feedback Procedure Notice and Provision of Documents in Accessible Formats Procedure Service Animals Procedure Support Persons Procedure Temporary Disruptions Procedure</p> <p>5.4 Related Forms Accessibility Report Template</p> <p>5.5 Miscellaneous Accessibility Training Resources</p>							
6.0 AMENDMENTS/ REVIEWS	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 20%; padding: 2px;">Next Review Date</td><td style="width: 80%;"></td></tr></table>	Next Review Date					
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Date (yyyy-mm-dd)	Section(s) Amended	Comments					

Revision #: N/A

DRAFT

Policy #:
Form # CityPolicyV7.pdf

APPENDIX B

ACCESSIBLE CUSTOMER SERVICE TRAINING PROGRAM

This training will prepare you to provide customer service that welcomes people with disabilities, resulting in better service to everyone. Treating all our customers with respect and courtesy is at the heart of excellent customer service.

- There are various types of disabilities including physical, hearing, vision, mental health etc.
- Approx. 1.8 billion people in Ontarians have some form of disability, that is 15.5% of the population, which will increase as the population gets older
- Accessibility affects most of us. It is not an isolated issue.

Legislation Background and Responsibilities

- Human Rights Code
 - Duty to accommodate
- Ontarians with Disabilities Act, (2001)
 - Applies to Public sector only
 - Establishes Advisory Committee
 - Creation of Accessibility Directorate of Ontario
 - Development of annual accessibility plans
- Accessibility for Ontarians with Disabilities Act, 2005
 - Goal to achieve a fully accessible Ontario by 2025
 - Applies to Public and Private sector
 - Development of Accessibility Standards
 - Customer Service
 - Built Environment
 - Information and Communication
 - Employment
 - Transportation
 - Enforcement of the standards

Accessible Customer Service Standard

- Effective January 1, 2008
- Municipalities complied by January 2010
- Private sector must comply by January 2012
- Specific requirements include:
 - Accessible customer service policy, procedures & practices
 - Training
 - Feedback method
 - Alternate communication methods
 - Notice of service disruption
- Annual accessibility reports are required
- Penalties for non-compliance include up to \$100,000 per incident per day for Municipalities and up to \$50,000 per incident per day for individuals who are responsible for the Corporation

ACCESSIBLE CUSTOMER SERVICE TRAINING PROGRAM

Principles of Accessible Customer Service

- Dignity
 - Treat with respect
 - Allow individual to retain self-respect
- Independence
 - Freedom from control or influence of others
 - Ability to make their own choices
- Integration
 - Allow everyone to benefit from same services, same place and in the same or similar way
- Equal Opportunity
 - Having the same chances, options, benefits and results as others

Accessible Customer Service Policy and Procedures

The procedures implement, in part, the City of Peterborough's Accessible Customer Service Policy and provide guidelines on how the City will comply with the Accessibility for Ontarians with Disabilities Act, 2005.

Definitions:

Assistive Device – A device that is used by a person with a disability to help with daily living. Examples include: wheel chairs, walkers, white canes, oxygen tanks, portable chalk boards, and electronic communication devices.

Customer Service Representative (CSR) – An employee, agent, volunteer or otherwise who, on behalf of the City, provides or oversees the provision of goods or services to members of the public or other third parties.

1) Support Persons:

- CSRs will speak directly to the customer not the support person. If unsure which is the customer, the CSR will ask.
- If a person with a disability requests a support person to be present, they will be permitted to enter areas where City goods & services are offered.
- When confidential information needs to be discussed the CSR will ask the person with a disability if the support person can remain present. If not, the CSR will find another location for the support person to wait.
- The City may require a support person to accompany a person with a disability to protect the health or safety of the person with a disability or others.
- The City will provide advance notice of admission fees for support persons, if applicable.

ACCESSIBLE CUSTOMER SERVICE TRAINING PROGRAM

2) Service Animals:

- The City will allow a service animal to enter an area where City goods or services are offered unless the animal's presence is prohibited by law.
- The City may request documentation from a health care practitioner if it is not readily apparent that a person uses an animal for reasons related to their disability.
- A CSR will not engage a service animal while it is working.
- Alternate service options will be offered where service animals are restricted by law or in the case of an allergic reaction from a member of the public or staff.

3) Assistive Devices and Services:

- The City will permit a person with a disability to use their personal assistive devices or offer use of any assistive devices available at the City facility.
- An inventory of assistive devices available for public use will be maintained.

4) Communicating and Interacting:

- The City will use reasonable efforts to ensure that customer service is consistent with the principles of dignity, independence, integration and equal opportunity.
- The CSRs will communicate in person and by telephone in a way that takes a person's disability into account.
- CSRs will ask "How may I help you?" in order to best respond to the needs of the person with a disability.

5) Temporary Service Disruptions:

- The City will provide notice for every planned or unplanned disruption that could affect people with disabilities.
- Notice will be provided by the management of the facility as soon as possible for unplanned disruptions and within a reasonable time in advance for planned disruptions.
- Notices will include the reason for the disruption, anticipated duration and a description of any alternative facilities or services that are available.

6) Availability of Accessible Customer Service Documents:

- The City will ensure that a document describing the policy and procedures developed under the Accessibility for Ontarians with Disabilities Act, 2005 is available in accessible formats.
- Notice to the public and other third parties regarding the availability of the accessible customer service document will be posted on the City's website (www.peterborough.ca).

ACCESSIBLE CUSTOMER SERVICE TRAINING PROGRAM

7) Feedback for Accessible Customer Service:

- The City welcomes feedback from the public about the delivery of goods or services to people with disabilities.
- The City will assess whether a response to feedback is necessary and if so, ensure a response is provided.
- Notice of the process and the feedback form will be available to the public on the City's website (www.peterborough.ca) and will be provided in other formats as appropriate.

8) Accessible Customer Service Training:

- The City will provide training to every CSR and every person who participates in developing the policies & procedures that govern the provision of goods or services to the public or other third parties.
- The training will consist of the following:
 - A review of the Accessibility for Ontarians with Disabilities Act, 2005 and the policy & procedures developed under this legislation.
 - An orientation on disabilities and instructions on communicating and interacting with people with disabilities, including those who use assistive devices, service animals or support persons.
 - How to use assistive devices or equipment provided by the City.
 - What to do if a person with a disability is having difficulty accessing City goods or services.
- Ongoing training will be provided in connection with any changes in City policies, practices, and procedures governing the provision of City goods or services.
- The City will keep records of accessible customer service training.

Copies of the full procedures are available upon request. All enquiries regarding Accessible Customer Service should be directed to the Customer Service Coordinator.

What is your role at work?

- Treat all customers with respect – give them your full attention
- Take time to understand the needs of each customer
- Ask, “How may I help you?”
- Be open to working with people with disabilities to find the best solution – not all methods work for all people
- Be familiar with the assistive devices available in your facility
- Accept feedback