

***Amendments to the Accessibility for Ontarians with Disabilities Act (“AODA”)
Coming July 1, 2016***

On July 1, 2016 amendments to the AODA will take effect. One of the most significant changes is the consolidation of the *Accessibility Standards for Customers Service* (“Customer Service Standard”) and the *Integrated Accessibility Standards* (“IAS”) into a single Accessibility Standard. This consolidation will remedy some of the most confusing aspects of the AODA to date. For example:

- Under the old structure a “Small Organization” was defined differently as between the two Accessibility Standards. This resulted in an organization being differently classified by the same legislation and an uneven application of the legislative requirements. Under the new consolidated structure a “Small Organization” is defined as an organization with at least one but fewer than 50 employees in Ontario, other than the Government of Ontario, the Legislative Assembly or a designated public sector organization.
- Under the old structure the Customer Service Standard applied to the provision of “goods and services” whereas the IAS applied to the provision of “goods, services and facilities”. Under the new consolidated structure the accessibility requirements of the Customer Service Standards apply to the provision of “goods, services and facilities”.
- Under the old structure the directives on how to make documents and information accessible to persons with disabilities were different between the two accessibility standards. These directives have been streamlined under the new consolidated structure.

The most significant substantive changes apply to the requirements of the Customer Service Standard and are summarized in the chart below:

<i>Requirement</i>	<i>Previous Requirements</i>	<i>New Requirements as of July 1, 2016</i>
<i>Training</i>	Only an person who deals with the public or third party on behalf of an organization, and is involved in creating customer service policies and procedures, need be trained on how to provide accessible customer service.	Every employee, volunteer, policy developer, and any other person who provides goods, services and facilities on behalf of the organization must be trained on how to provide accessible customer service.
<i>Service Animals</i>	A letter from a <i>physician or nurse</i> was required to authorize a service animal.	An expanded list of regulated health professionals may authorize a service animal, including: psychologist, psychotherapist, audiologist, speech-pathologist, chiropractor, nurse, occupational therapist, physician, optometrist, registered psychotherapist and mental health therapist.

<p>Support Persons</p>	<p>An organization could require a person with a disability to be accompanied by a support person if deemed necessary to protect the health and safety of the person with a disability or of others on the premises.</p>	<p>Prior to requiring the presence of a support person, an organization must first consult with the person with a disability and consider the health and safety implications based on available evidence. The presence of a support person may then only be required if there is no other reasonable way to protect the health and safety of the person or of others on the premises. Where the presence of a support person is required any applicable admission fee or fare must be waived for that person.</p>
<p>Accessible Formats and Communication Supports</p>	<p>The Customer Service Standard provided the right to request certain documents or information from an organization (e.g., policies, information about feedback procedures and training program). When providing these documents the organization was required to do so in a format that took into account the person's disability.</p>	<p>An organization is still required to provide certain documents. However, upon request, the organization must make these documents accessible by arranging for accessible formats or communication supports. This requirement was a component of the IAS and now also applies to the requirements of the Customer Service Standard.</p>
<p>Documenting Policies, Training Records</p>	<p>A Small Organization (fewer than 20 employees) was not required to have documented policies or keep training records.</p>	<p>The definition of Small Organization has been changed to an organization with fewer than 50 employees. As such a private sector and not-for-profit organization with between 20 and 49 employees is no longer required to document policies or keep training records.</p>

For more information on these and other AODA matters contact **Leah Simon** at lsimon@sherrardkuzz.com or **416.603.6954**.

*The information contained in this presentation/article is provided for general information purposes only and does not constitute legal or other professional advice, nor does accessing this information create a lawyer-client relationship. This presentation/article is current as of **June 2016** and applies only to Ontario, Canada, or such other laws of Canada as expressly indicated. Information about the law is checked for legal accuracy as at the date the presentation/article is prepared, but may become outdated as laws or policies change. For clarification or for legal or other professional assistance please contact Sherrard Kuzz LLP (or other counsel).*

