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**ONTARIO REGULATION**

to be made under the

**ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005 - A  
CONSULTATION DRAFT**

Amending O. Reg. 191/11

(INTEGRATED ACCESSIBILITY STANDARDS)

**1. Subsection 1 (1) of Ontario Regulation 191/11 is revoked and the following substituted:**

**Purpose and application**

(1) This Regulation establishes the accessibility standards for each of information and communications, employment, transportation, the design of public spaces and customer service.

**2. The definitions of “large organization”, “obligated organization” and “small organization” in section 2 of the Regulation are revoked and the following substituted:**

“large organization” means an organization with 50 or more employees in Ontario, other than the Government of Ontario, the Legislative Assembly or a designated public sector organization; (“grande organisation”)

“obligated organization” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization and a small organization; (“organisation assujettie”)

“small organization” means 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. (“petite organisation”)

**3. (1) Subsection 3 (3) of the Regulation is revoked and the following substituted:**

(3) Every obligated organization, other than a small organization, shall,

- (a) prepare one or more documents describing the policies it developed under subsection (1); and
- (b) make the documents publicly available and, on request, provide them in an accessible format.

**(2) Subsection 3 (4) of the Regulation is revoked.**

**4. The following provisions of the Regulation are revoked:**

- 1. Subsection 4 (4).
- 2. Subsection 5 (3).
- 3. Subsection 6 (3).
- 4. Subsection 6 (4).

**5. (1) Clause 7 (1) (a) of the Regulation is revoked and the following substituted:**

- (a) all persons who are an employee of, or a volunteer with, the organization;

**(2) Subsection 7 (6) of the Regulation is revoked.**

**6. Subsection 8 (1) of the Regulation is revoked and the following substituted:**

**Exemption from filing accessibility reports**

(1) A small organization is exempt from the requirement to file accessibility reports under section 14 of the Act,

- (a) with respect to all the accessibility standards in this Regulation, if the organization has fewer than 20 employees;
- (b) with respect to all the accessibility standards in this Regulation, other than the accessibility standards for customer service, if the organization has at least 20 but fewer than 50 employees.

**7. Subsections 11 (2), (3) and (4) of the Regulation are revoked and the following substituted:**

(2) The organization shall notify the public about the availability of accessible formats and communications supports with respect to the feedback process.

(3) Nothing in this section detracts from the obligations imposed by section 80.50.

**8. The following provisions of the Regulation are revoked:**

- 1. Subsection 13 (2).**
- 2. Subsection 15 (3).**
- 3. Subsection 16 (3).**
- 4. Subsection 19 (4).**
- 5. Subsection 26 (2).**
- 6. Subsection 27 (5).**
- 7. Subsection 34 (3).**
- 8. Subsection 35 (2).**
- 9. Subsection 36 (4).**
- 10. Subsection 37 (3).**
- 11. Subsection 38 (3).**
- 12. Subsection 41 (4).**
- 13. Subsection 42 (2).**
- 14. Subsection 43 (2).**
- 15. Subsection 46 (3).**
- 16. Subsection 47 (5).**
- 17. Subsection 48 (6).**
- 18. Subsection 48 (7).**

**9. (1) Subsections 49 (1), (2) and (3) of the Regulation are amended by striking out “courtesy seating” wherever that expression appears and substituting in each case “priority seating”.**

**(2) Subsection 49 (4) of the Regulation is revoked and the following substituted:**

(4) Every conventional transportation service provider shall develop a communications strategy designed to inform the public about the purpose of priority seating.

**(3) Subsection 49 (6) of the Regulation is repealed.**

**10. Subsection 50 (3) of the Regulation is revoked.**

**11. Clause 53 (1) (c) of the Regulation is amended by striking out “each courtesy seating” at the beginning and substituting “each priority seating area”.**

**12. Subsection 56 (1) of the Regulation is amended by striking out “courtesy seating locations” at the end and substituting “priority seating locations”.**

**13. The following provisions of the Regulation are revoked:**

- 1. Subsection 64 (7)**
- 2. Subsection 65 (3)**
- 3. Subsection 66 (4)**
- 4. Subsection 66 (7)**
- 5. Subsection 67 (3)**
- 6. Subsection 68 (4)**
- 7. Subsection 69 (3)**
- 8. Subsection 71 (3)**
- 9. Subsection 72 (2)**
- 10. Subsection 73 (4)**
- 11. Subsection 74 (3)**
- 12. Subsection 76 (3)**
- 13. Subsection 77 (2)**
- 14. Subsection 78 (4)**

**15. Subsection 79 (3)**

**16. Subsection 80 (5)**

**14. The English version of paragraph 7 of section 80.23 of the Regulation is amended by striking out “that” wherever that expression appears and substituting in each case “than”.**

**15. (1) Subsection 80.28 (1) of the Regulation is revoked and the following substituted:**

**Exterior paths of travel, accessible pedestrian signals**

(1) Where new pedestrian signals are being installed at a pedestrian crossover or existing pedestrian signals are being replaced at a signal-controlled pedestrian crossing, the pedestrian signals must be accessible pedestrian signals.

**(2) Subsection 80.28 (5) of the Regulation is amended by adding the following definition:**

“signal-controlled pedestrian crossing” means an intersection where pedestrian control signals are installed. (“passage pour piétons muni de signaux”)

**16. The Regulation is amended by adding the following Part:**

**PART IV.2  
CUSTOMER SERVICE STANDARDS**

**Scope and interpretation**

**80.45** (1) The standards set out in this Part apply to obligated organizations that are providers of goods, services or facilities.

(2) In this Part, a reference to a provider is a reference to an obligated organization as a provider of goods, services or facilities, unless the context requires otherwise.

(3) In this Part,

“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 (4); (“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, services or facilities. (“personne de soutien”).

- (4) For the purposes of this Part, an animal is a service animal for a person with a disability if,
- (a) the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
  - (b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:
    - (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
    - (ii) A member of the College of Chiropractors of Ontario.
    - (iii) A member of the College of Nurses of Ontario who holds a certificate of registration as a registered nurse.
    - (iv) A member of the College of Occupational Therapists of Ontario.
    - (v) A member of the College of Optometrists of Ontario.
    - (vi) A member of the College of Physicians and Surgeons of Ontario.
    - (vii) A member of the College of Physiotherapists of Ontario.
    - (viii) A member of the College of Psychologists of Ontario.

### **Establishment of policies**

**80.46** (1) In addition to the requirements in section 3, every provider shall establish policies governing its provision of goods, services or facilities, as the case may be, to persons with disabilities.

- (2) The provider shall use reasonable efforts to ensure that the policies are consistent with the following principles:
1. The goods, services or facilities must be provided in a manner that respects the dignity and independence of persons with disabilities.
  2. The provision of goods, services or facilities to persons with disabilities must be integrated with the provision of goods, services or facilities to others, unless an alternative 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, services or facilities.

3. Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods, services or facilities.

(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 goods, services or facilities or with the availability of other measures, if any, which enable them to do so.

(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.

(5) Every provider, other than a small organization, shall prepare one or more documents describing the policies established under this section and, on request, shall give a copy of any such document to any person.

(6) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the documents required by subsection (5) are available on request.

(7) The notice required by subsection (6) 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.

### **Use of service animals and support persons**

**80.47** (1) This section applies if goods, services or facilities are provided to members of the public or other third parties at premises owned or operated by the provider and if the public or third parties have access to the premises.

(2) If a person with a disability is accompanied by a guide dog or other service animal, the provider 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.

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

(4) If a person with a disability is accompanied by a support person, the provider 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.

(5) The provider may require a person with a disability to be accompanied by a support person when on the premises, but only if, after consulting with the person with a disability and considering the available evidence, the provider determines that,

- (a) 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; and
- (b) there is no other reasonable way to protect the health or safety of the person with a disability and the health or safety of others on the premises.

(6) If an amount is payable for a person's admission to the premises or in connection with a person's presence on the premises, the provider shall ensure that notice is given in advance about the amount, if any, payable in respect of the support person.

(7) If, under subsection (5), the provider requires a person with a disability to be accompanied by a support person when on the premises, the provider shall waive payment of the amount, if any, payable in respect of the support person's admission to the premises or in connection with the support person's presence on the premises.

(8) Every provider, other than a small organization, shall prepare one or more documents describing its policies with respect to the matters governed by this section and, on request, shall give a copy of any such document to any person.

(9) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the documents required by subsection (8) are available on request.

(10) The notice required by subsection (9) 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.

### **Notice of temporary disruptions**

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

(2) Notice of the disruption must include the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available.

(3) Every provider, other than a small organization, shall prepare a document setting out the steps that the provider will ensure are taken in connection with a temporary disruption and, on request, shall give a copy of the document to any person.



(4) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (3) is available on request.

(5) The notices required by subsections (2) and (4) 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.

**Training for staff, etc.**

**80.49** (1) In addition to the requirements in section 7, every provider shall ensure that the following persons receive training about the provision of the provider's goods, services or facilities, as the case may be, to persons with disabilities:

1. Every person who is an employee of, or a volunteer with, the provider.
2. Every person who participates in developing the provider's policies.
3. Every other person who provides goods, services or facilities on behalf of the provider.

(2) The training must include a review of the purposes of the Act and the requirements of this Part 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, services or facilities 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, services or facilities.

(3) Every person referred to in subsection (1) shall be trained as soon as practicable.

(4) Every provider shall also provide training on an ongoing basis in respect of any changes to the policies described in section 80.46.

(5) Every provider, other than a small organization, 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.

(6) Every provider, other than a small organization, shall,

- (a) prepare a document that describes its training policy, summarizes the content of the training and specifies when the training is to be provided; and
- (b) on request, give a copy of the document to any person.

(7) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (6) is available on request.

(8) The notice required by subsection (7) 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.

### **Feedback process required**

**80.50** (1) Every provider shall establish a process for receiving and responding to feedback about the manner in which it provides goods, services or facilities to persons with disabilities and whether that manner complies with subsection (3).

(2) The feedback process must specify the actions that the provider will take if a complaint is received about the manner in which it provides goods, services or facilities to persons with disabilities.

(3) Every provider shall ensure that the feedback process is accessible to persons with disabilities by providing, or arranging for the provision of, accessible formats and communication supports, on request.

(4) Every provider shall make information about the feedback process readily available to the public.

(5) Every provider, other than a small organization, shall prepare a document describing the feedback process and, on request, shall give a copy of the document to any person.

(6) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (5) is available on request.

(7) The notice required by subsection (6) 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.

### **Format of documents**

**80.51** (1) If a provider is required by this Part to give a copy of a document to a person with a disability, the provider shall, on request, provide or arrange for the provision of the document,

or the information contained in the document, to the person in an accessible format or with communication support,

- (a) in a timely manner that takes into account the person's accessibility needs due to disability; and
- (b) at a cost that is no more than the regular cost charged to other persons.

(2) The provider shall consult with the person making the request in determining the suitability of an accessible format or communication support.

**17. Section 81 of the Regulation is revoked.**

**18. (1) Paragraphs 1, 2 and 3 of subsection 86.1 (1) of the Regulation are revoked and the following substituted:**

1. In the case of the Government of Ontario and the Legislative Assembly, annually with the first report being due on December 31, 2013.
2. In the case of designated public sector organizations, every two years with the first report being due on December 31, 2013.
3. In the case of large organizations, every three years with the first report being due on December 31, 2014.
4. In the case of small organizations having at least 20 but fewer than 50 employees, every three years with the first report being due on December 31, 2014, but only with respect to the accessibility standards for customer service.

**(2) Subsection 86.1 (2) of the Regulation is revoked.**

**Revocation**

**19. Ontario Regulations 429/07 and 430/07 are revoked.**

**[Commencement]**

**20. [Commencement]**