

# OFL MEMBER & COMMUNITY SERVICE POLICY

In compliance with:  
The Customer Service Standard developed through  
The *Accessibility for Ontarians with Disabilities Act, 2005*  
January 2012





The Ontario Federation of Labour (OFL) represents 54 unions and one million workers. It is Canada's largest provincial labour federation.

***OFL Member & Community Service Policy*** (Updated January 2012)

In compliance with the Customer Service Standard developed through the *Accessibility for Ontarians with Disabilities Act, 2005*

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# OFL MEMBER & COMMUNITY SERVICE POLICY

## THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005

### OVERVIEW

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) became law on June 13, 2005. The Act makes Ontario the first jurisdiction in Canada to develop, implement and enforce mandatory accessibility standards. Under this legislation, the government of Ontario will develop mandatory accessibility standards that identify, remove and prevent barriers for people with disabilities in key areas of daily living. The standards will apply to private and public sector organizations across Ontario. This legislation is broad-based and applies to every person or organization in the public and private sectors of the province of Ontario including the Legislative Assembly of Ontario. The standards are scheduled to be implemented in stages so that Ontario is accessible to people with disabilities by 2025.

Approximately 1.8 million of all Ontarians have some form of disability – that's 15.5 percent of our population! These figures are expected to increase as the percentage of an older population grows. It is estimated that by 2026, approximately 16 percent of all Canadians will have some form of disability.

According to the Royal Bank of Canada, people with disabilities have an estimated spending power of about \$25 billion annually across Canada. People with disabilities also represent a large pool of untapped employment potential. When we make Ontario accessible to people with disabilities everyone benefits.

## TYPES OF DISABILITIES

Disabilities are illnesses, injuries or disfigurements that create a physical or mental impairment and that interfere with a person's physical, psychological and/or social functioning. These disabilities may be temporary, long-lasting or permanent.

The more familiar forms of disabilities include: physical, hearing, vision, deaf-blind, speech and mental health. There are many other forms of disabilities such as: intellectual, learning, sensory – which affects taste, smell or touch and other conditions such as chronic pain, chronic fatigue, cancer, severe allergies, diabetes and asthma which must be considered. There are also the temporary disabilities that occur due to accidents or short-term illnesses. These conditions are only a small sample of the extensive list possible.

Think about these individuals. What limits their ability to fully participate in work, at leisure and in the community? Often when we think of a person with a disability, we think of someone with physical limitations but, as you can see, there are many other forms of disability, some that are non-visible. It's important to remember – you are not dealing with the disability, you are dealing with the person. By removing barriers to service, we enable the person to fully access our workplace and community. When we consider the following 6 accommodation principles, we increase our chance of success: Inclusive Design, Respect for Dignity, Integration and Full Participation, Removal of Barriers, Individualized Accommodation and Confidentiality.

## LEGISLATIVE BACKGROUND

Human Rights legislation (Section 10 of the *Ontario Human Rights Code* and Section 15 of the *Canadian Charter of Rights & Freedoms*) prohibits discrimination on the basis of disability or handicap. The Human Rights Code mandates a duty to accommodate. The AODA does not replace the *Human Rights Code*. The Code makes discrimination and harassment on the basis of any of the “prohibited grounds” illegal. Disability is one of the prohibited grounds and, in fact, the AODA uses the same definition of “disability” as the one found in the *Human Rights Code*. Employers still have an obligation to accommodate employees with disabilities and must do so unless they can prove that they would thereby suffer “undue hardship” which is a very high legal threshold to meet. Large employers particularly school boards, hospitals, municipalities etc., are more likely to have sufficient resources to make an undue hardship claim/defence, solely on financial grounds, difficult to prove.

The *Human Rights Code*, however, is reactive legislation – meaning that when it is violated, a complaint must be brought and taken through the adjudicative process. The AODA, while far from a perfect piece of legislation, is proactive. It requires organizations to put policies, procedures and infrastructure in place in advance. It is geared toward removing barriers. How well that will work in practice depends on how conscientiously the law is implemented by the many organizations that it covers. The AODA does provide a clear and sweeping mandate regarding its application.

Section 38 of the *AODA* states:

*If a provision of this Act, of an accessibility standard or of any other regulation conflicts with a provision of any other Act or regulation, the provision that provides the highest level of accessibility for persons with disabilities with respect to goods, services, facilities, employment, accommodation, buildings, structures or premises shall prevail.*

The *Ontarians with Disabilities Act, 2001* – also known as the ODA was developed to improve the opportunities for people with disabilities by identifying and removing barriers to full participation. The ODA requires

the Ontario government and broader public sector which includes municipalities, public transportation organizations, colleges and universities, hospitals and school boards to develop annual accessibility plans. These obligations under the ODA remain in effect as accessibility standards are developed under the *AODA*. This act requires that a municipality with a population over 10,000 must:

- Develop an annual accessibility plan;
- Consult with people with disabilities to develop the plan;
- Make the plan available to the public; and
- Have an Accessibility Advisory Committee (AAC).

The government decided that the legislation regarding accessibility was not broad enough and so in 2005, the *Accessibility for Ontarians with Disabilities Act (AODA)* was passed. The purpose of this legislation is to achieve a fully accessible Ontario by 2025.

How will this be achieved?

- By developing accessibility standards;
- Enforcing those standards; and

By applying the standards across public, broader public and private sectors – so no longer is it only the public sector that has to be accessible.

The AODA legislation requires the development of standards:

- 1. Customer Service** – This is the only standard which has been developed and has regulations (Regulations 429/07 and 430/07) which have been enacted. The regulations come into force on January 1st, 2012. Unions have significant obligations under these regulations.
- 2. Integrated Accessibility Standards** – The Integrated Accessibility Standards Regulation was released on April 13, 2011 and printed in the Ontario Gazette on June 18, 2011. It covers standards regarding Employment, Information and Communications and Transportation.
- 3. Build Environment** – This will help remove barriers and outdoor spaces for people with disabilities. The standard will only apply to new construction and extensive renovation. Work is continuing on this standard.

The Customer Service Standard is the first standard to be developed. The remaining standards are in various stages of drafting, consultation and review. Although information and communications are key to all levels of customer service, there is no regulation presently in force which covers those issues.

It is foreseeable that there will be many very specific requirements regarding the format and method of provision of information. Therefore, it is likely that the customer service policies and practices that organizations must implement now will need to be reviewed when the AODA regulations evolve.

In their roles as community residents who access facilities for various purposes, employees with disabilities will be affected by the new policies and practices that organizations are required to implement. However, employees will be covered by the forthcoming Employment Standard. The Customer Service Standard is not designed to cover an organization's own employees.

One of the major requirements of the legislation is a mandatory training component which covers all employees who deal with the public. The design and implementation of this training at present varies widely from employer to employer.

Under the Act, all standards must be developed by external standards development committees comprised of equal representation from the disability community and obligated sectors.

Standard Development Committees are responsible for establishing long-term objectives, developing proposed standards, proposing to whom the standards should apply and recommending timelines for implementation of proposed standards.

Once initial standards are developed, they are submitted for public comment for a minimum period of 45 days. Following this period, public comments are considered by the Standard Development Committee and the final proposed standards are submitted to the Minister of Community and Social Services by the external standards development committees for consideration as law.

The Minister of Community and Social Services, responsible for the *Accessibility for Ontarians with Disabilities Act, 2005*, has the authority to recommend to the Lieutenant Governor in Council to adopt the proposed standard by regulation in whole, in part or with modifications.

Through the public review process and additional consultation, the general public, key stakeholders including disability community members and obligated sectors have had opportunities to provide feedback on each standard.

While these standards will help achieve a barrier-free Ontario and may seem difficult to achieve, just think back 20 years ago when smoking laws were first introduced and how far we've come since then.

# WORKPLACE ACCOMMODATION

## 1. What does the law say about workplace accommodations for individuals with disabilities?

Workplace discrimination and harassment on the basis of any of the “prohibited grounds” listed specifically in the *Human Rights Code* are illegal. “Disability” is one of the prohibited grounds. While the discussion below focuses on the rights of individuals with disabilities, there are other prohibited grounds in the Code which can also trigger the right to an accommodation. For example, discrimination on the basis of sex is also illegal. One of the things this can mean is that a workplace may be required to arrange a temporary accommodation for a woman who is pregnant. For example, she may have restrictions with respect to lifting and bending which might necessitate limiting her ability to perform her occupation.

The Code requires that employees with disabilities be accommodated in the workplace up to the point of “undue hardship” for the employer. Undue hardship means, in a nutshell, that the employee must be accommodated unless doing so would significantly jeopardize the employer’s operations. The employer’s legal obligation is known as the “duty to accommodate”.

It must be remembered that while the affected employee will be a part of the process for designing the accommodation, this does not mean that she or he has the right to decide precisely what that accommodation will look like. The employer is obligated to provide reasonable accommodation that meets an employee’s needs, but not necessarily her or his preferences. An appropriate accommodation is one which results in equal opportunity and which respects the individual’s dignity. It is up to the employer to design an appropriate accommodation and there may be more than one solution for doing so. Accommodations do not need to be perfect but they must meet the test of being reasonable.

## 2. What kinds of accommodations are arranged in workplaces?

There is no cookie cutter approach to accommodation – each one will reflect the particular needs of the individual involved as well as the possibilities in the workplace as a whole. What really matters is that the accommodation measure actually means the worker can continue to work (or return to work) and that the worker’s dignity and independence are respected as a part of the process. Accommodations can be temporary or permanent depending on the circumstances of the individual.

When an accommodation is being sought, the employer is entitled to request documentation from a medical professional and will usually do so. While the employer does not have the right to demand a diagnosis, a description of any limitations that may apply to the member will assist in investigating and developing a reasonable accommodation. For example, a medical letter might state that a worker should not climb any stairs in the course of her duties. However, medical professionals cannot dictate to the employer what the actual accommodation should be. (e.g. suggesting the worker be placed into another existing position).

## 3. What is my responsibility as an union representative with respect to workplace accommodations?

The union representative is not responsible for designing workplace accommodations but have an obligation to participate in formulating solutions and insisting that the most appropriate accommodation be preferred.

Unions have a right to be a part of any meeting where return to work (RTW) or possible accommodations are being discussed. This right should be extended to them even if an individual member does not want to have union representation. It is illegal under labour relations legislation for an employer to enter into discussions with an individual member regarding the terms of employment (i.e job duties, hours of work, remuneration). This the role of the union as the sole bargaining agent!

Unions need to be an equal participant in the RTW/Accommodation process. They need to take a proactive and cooperative approach which seeks to find solutions that meet the needs of the individual, the employer, co-workers, supervisors and preserves the integrity of the collective agreement.

#### **4. How can I encourage workers who require accommodation to come forward?**

Many workers are reluctant to come forward to acknowledge their own accommodation needs. There are any number of reasons why individuals may be reluctant to seek assistance. They may be afraid of 'rocking the boat'. They may fear stigma or a negative reaction on the part of the supervisor or co-workers. Recently hired workers may fear that the issue will follow them for the rest of their careers. Workers nearing retirement may decide it is easier to just put up with it for another few years.

At the end of the day, it is up to the individual to decide; disclosure is a sensitive issue. On occasion, workers may even choose to quietly work out their own accommodations (such as switching responsibilities with a co-worker) though such arrangements may not survive the next change of supervision.

Bear in mind that many disabilities are not visible. If you are aware that a worker is struggling in their job assignment, there may or may not be a disability-related reason. Respect the worker's privacy but work towards building a relationship with all workers which is founded on trust and good communication.

The best way to build understanding about the issue of workplace accommodations is to be open and informed about the process. In your dealings with your colleagues, present it as a normal part of labour relations in the workplace – which it is.

#### **5. How can I help inform workers about accommodation issues?**

An individual seeking an accommodation may or may not choose to disclose that fact to the rest of the workplace and the member's choice should be respected. However, when talking with the membership as a group, perhaps in a general information session, you may want to think about:

- raising the issue of accommodations on the basis of disability or other grounds
- outlining the process for seeking a workplace accommodation
- explaining that as part of an accommodation measure, sometimes a worker may not be able to do the job as how it has been performed over the years but re-organizing the work or providing assistive devices may enable a worker with disability to full participate in their own job.
- pointing out that a change in any worker's assignments or specific duties may be the result of a workplace accommodation and that the individual's right to privacy in such situations needs to be respected

Having the right information is sometimes all that is needed for members to develop the confidence to come forward.

# TIPS FOR INTERACTING WITH PEOPLE WITH DISABILITIES

- Listen to the person with the disability. Do not make assumptions about what that person can or cannot do.
- When speaking with a person with a disability, talk directly to that person not through his or her companion. This applies whether the person has a mobility impairment, a mental impairment, is blind or is deaf and uses an interpreter.
- If you're not sure what to do – ask “How may I assist you?”
- Extend common courtesies to people with disabilities as you would anyone else. Shake hands or hand over business cards. If the person cannot shake your hand or grasp your card, they will tell you. Do not be ashamed of your attempt, however.
- Don't touch or address service animals – they are working and have to pay attention at all times.
- Never touch a person's assistive device without their consent.
- Write in clear print using contrasting colours between text and background.
- If the customer has a speech impairment and you are having trouble understanding what he or she is saying, ask the person to repeat rather than pretend you understand. The former is respectful and leads to accurate communication; the latter is belittling and leads to embarrassment.
- If speaking with a person in a wheelchair or scooter for an extended period of time, sit so you are at eye level with them.
- Don't put your hands in front of your face while speaking.
- It is okay to feel nervous or uncomfortable around people with disabilities, and it's okay to admit that. It is human to feel that way at first. When you encounter these situations think “person” first instead of disability; you will eventually relax.

## CUSTOMER SERVICE STANDARD

The Customer Service Standard was approved in July 2007. On January 1, 2008, the first accessibility standard, Customer Service, became law. The standard sets out the requirements that organizations must follow to ensure accessible customer service for persons with disabilities. As of January 1, 2010, the public sector was required to comply with the standard. The private sector must comply by January 1, 2012.

This standard requires that:

- An accessible customer service policy, procedures and practices be developed;
- That all staff be trained in accessible customer service (this includes volunteers and board members as well);
- That a feedback method be developed;
- Alternate communication methods be available; and
- Notice of service disruption put in place.

An example of service disruption would be a sidewalk or road repair taking place and a mother in a wheelchair is going to pick up her children at school. When she goes the normal route and finds that the town workers have dug up the road and sidewalk she now has to turn around and take an alternate route, getting to the school late. A notice of disruption could have alleviated this problem.

A notice should state how long the disruption will be and alternate access – as soon as you know there will be a disruption a notice should be posted and circulated where possible.

An Accessible Customer Service Standard (CSS) Policy is to be developed. This policy should set out the principles of accessible customer service, assistive devices, service animals, support persons, notice of service disruptions, training requirements and feedback. The law requires employers to train all their employees who work with the public and that includes unionized employees. For that reason alone, it would seem a good idea for employers to seek the involvement of their employees' unions.

If your local union has been a part of the committee or other group that has been working towards implementing the CSS, you should continue to work with your employer on this issue. If the employer has not sought your involvement to date, it would be advisable to get in touch with the appropriate labour/management contact and ask what the organization's plans are with respect to meeting the CSS requirements.

# IDENTIFYING DISABILITIES

Not all disabilities are visible. Some examples include:

- Rheumatoid Arthritis;
- Hearing impairment;
- Vision impairment;
- Coronary-Pulmonary Conditions;
- Tourette Syndrome;
- Diabetes;
- Chronic Pain Disability;
- Multiple Sclerosis;
- Mental health issues;
- Depression;
- Phobias;
- Bipolar, anxiety and mood disorders;
- Autism;
- Fibromyalgia;
- PTSD; and
- Chronic Fatigue Syndrome.

## COMPLIANCE WITH CUSTOMER SERVICE STANDARD

In 2005, The *Accessibility for Ontarians with Disabilities Act (AODA)* was enacted mandating accessibility standards. The accessibility standards coming into force will address:

- Customer service;
- Transportation;
- Information and communication;
- Employment; and
- The Built Environment.

The Customer Service Standard is the first standard under the AODA coming into effect January 2012 for Unions. Compliance requires that the Ontario Federation of Labour (OFL) develop:

- Policies, procedures and practices dealing with customer service; and
- Provide training to OFL staff/members who deal with members or members of the public.

As part of our commitment to providing quality services, goods and opportunities to our members and others, the OFL will make reasonable efforts to ensure that its policies, statements, procedures and practices pertaining to providing goods and services to individuals with disabilities are consistent with the following guiding principles:

- Goods and services will be provided in a manner that demonstrates respect for the dignity of individuals with disabilities;
- Goods and services will be provided to individuals with disabilities in an integrated manner unless an alternative is necessary to enable them to access goods or services; and
- Individuals with disabilities will be given an opportunity equal to others to access goods and services

## COMPLIANCE STATEMENTS

- The Use of Assistive Devices
- Communication
- The Use of Service Animals by Individuals with Disabilities
- The Use of Support Persons by Individuals with Disabilities
- Notice of Temporary Disruptions in Services and Facilities
- Training
- Feedback and Complaints
- Agents and Others Providing Goods and Services on Behalf of Ontario Federation of Labour (OFL)
- Notice of the Availability of the Required Documents

The Ontario Federation of Labour (OFL) has developed compliance statements for the following that meet the requirements of the AODA Customer Service Standards:

### **Compliance Statements Application**

This Compliance Statements applies to every person who deals with OFL members or the public on behalf of OFL whether they do so as elected or appointed officials, employees, volunteers, agents or otherwise; and, every person who participates in developing OFL policies, statements, procedures and practices that deal with providing goods and services to members or the public.

## **EQUITY STATEMENT**

The Ontario Federation of Labour (OFL) has championed the cause of equity since the earliest days of its mandate.

In the early 60's, delegates at Convention passed a resolution calling for legislation to address barriers to employment. In 1983, the OFL Constitution was amended by Convention to establish five affirmative action seats for women on the OFL Executive Board. Further, Constitutional amendments established seats for workers who self-identify as Aboriginal, Persons with Disabilities, Gay, Lesbian, Bisexual and Transgender and Persons of Colour.

Statistics such as the 2006 census consistently show that women, people of colour, persons with disabilities and Aboriginals are entering the workforce in larger numbers than ever before and studies continue to show that they experience discrimination in employment opportunities. The goal of employment equity means unions must strive for a representative workforce that reflects society. Employment equity initiatives must identify and eliminate existing discrimination and remove the barriers faced by equity groups.

Federal and provincial employment equity legislation must be strengthened in order to achieve its objective - equity in employment - and unions must have the ability to participate fully in the development and monitoring of employment equity plans.

Inside our own unions, we must convince our members that strong, enforceable legislation is needed to remedy the discrimination that exists. We must debunk the myth that equity groups will have access to jobs and promotions that they are unqualified for and that equity in the workplace will undermine collective agreements.

Workers and their unions must join in solidarity, alongside our Aboriginal Brothers and Sisters and restore humanity, hope, opportunity, dignity and respect for the People who made up 100 percent of our population just 600 years ago. Aboriginal peoples, with over 51 per cent under 25 years of age are the fastest growing population within Canada and will be an important part of closing the expected gap in the labour force.

The road to workplace equality remains full of obstacles for the vast majority of women. Even after 20 years of voluntary and legislated workplace equity programs, barriers exist in the form of harassment, lack of access to training, fewer chances of promotion, lack of child care programs, growth in casual work with no benefits and the horrible trend of increased violence in the workplace.

The inclusion of gay, lesbian, bisexual and transgender people as a designated group under Employment Equity is strongly supported by labour and equity advocates. Whenever systemic action is being taken against sexism, racism and ableism, action against heterosexism and homophobia must be added.

Statistics Canada reports that there are approximately 1.8 million Ontarians with a disability. Many Ontarians with disabilities are suffering in lives of poverty because they have not had the opportunity to enter and stay in the paid labour market.

The cost of accommodating workers with disabilities is quite reasonable. A recent estimate by the Canadian Abilities Foundation puts the cost at under \$1,500 for almost all workers with disabilities. Cost has often been used by employers as the reason for not hiring workers with disabilities. The barriers which challenge these workers are systemic and attitudinal more than physical.

Unions bring unmatched expertise in workplace issues as well as important insights and decades-long commitment to equity issues. The OFL and its affiliated unions will continue to educate, inform, lobby, negotiate and lead by example - never losing sight of the goal of equity in employment.

# PEOPLE FIRST LANGUAGE

Using People First Language is Crucial! People First Language puts the person before the disability, and it describes what a person has, not who a person is. If people with disabilities are to be included in all aspects of society, and if they're to be respected and valued as our fellow citizens, we must stop using language that sets them apart and devalues them.

Men and women with disabilities are adults first. The only labels they need are their names! They must not be referred to by diagnostic labels. The diagnosis is nobody's business!

<b>SAY:</b>	<b>INSTEAD OF:</b>
People with disabilities	The handicapped or disabled
Paul has a cognitive disability (diagnosis)	He's mentally retarded
Kate has autism (or a diagnosis of...)	She's autistic
Ryan has Down syndrome (or a diagnosis of...)	He's Down's; a Down's person; mongoloid
Sara has a learning disability (diagnosis)	She's learning disabled
Bob has a physical disability (diagnosis)	He's a quadriplegic/is crippled
Mary is of short stature/she's a little person	She's a dwarf/midget
Tom has a mental health condition	He's emotionally disturbed/mentally ill
Nora uses a wheelchair/mobility chair	She's confined to/is wheelchair bound
Steve receives special ed services.	He's in special ed; he's a sped student
Tonya has a developmental delay	She's developmentally delayed
Children without disabilities	Normal/healthy/typical children
Communicates with her eyes/device/etc.	Is non-verbal
Customer	Client, consumer, recipient, etc
Congenital disability	Birth defect
Brain injury	Brain damaged
Accessible parking, hotel room, etc.	Handicapped parking, hotel room, etc.
She needs . . . or she uses . . .	She has problems/special needs

# **GUIDING PRINCIPLES FOR THE PROVISION OF GOODS AND SERVICES**

As part of our commitment to providing quality services, goods and opportunities to our members and others, OFL will make reasonable efforts to ensure that its policies, statements, procedures and practices pertaining to providing goods and services to individuals with disabilities are consistent with the following guiding principles:

## **THE USE OF ASSISTIVE DEVICES**

When visiting the OFL, individuals with disabilities may use their own assistive devices or, where they exist and are available, they may use the devices or other reasonable assistance provided by the OFL.

## **COMMUNICATION**

When communicating with individuals with disabilities, OFL elected or appointed officials, employees, volunteers, agents and other representatives will do so in a manner that takes the person's disability into consideration. Interactions dealing with accommodating individuals with disabilities will be done with sensitivity and discretion.

## **THE USE OF SERVICE ANIMALS BY INDIVIDUALS WITH DISABILITIES**

Individuals with disabilities who require the assistance of a service animal will be permitted to be accompanied by the animal where OFL provides its goods and services on premises that it owns or operates and if OFL members and other members of the public have access to these areas, unless the animal is excluded by law.

If the animal is excluded by law, OFL will ensure that other measures are available to permit the person to have access to its goods and services.

## **THE USE OF SUPPORT PERSONS BY INDIVIDUALS WITH DISABILITIES**

Individuals with disabilities will be permitted to enter areas with their support person where OFL provides its goods and services on property it owns or operates and if the public and other third parties have access to the premises. Additionally, they will not be prevented from having access to their support person while on the premises.

OFL may require that individuals with disabilities be accompanied by a support person if a support person is necessary to protect the health and safety of the person with the disability or others.

Advanced notice will be given of the fees charged for a support person's admission to OFL events or in relation to their presence on the premises.

## **NOTICE OF TEMPORARY DISRUPTIONS IN SERVICES AND FACILITIES**

OFL will provide notice to the public of temporary disruptions in facilities or services that are usually used by individuals with disabilities to access services.

**To give effect to the principle of full participation in society as a constitutional right, the labour movement must now start to seriously grapple with the issues faced by people who are trying to work in a society that has traditionally criminalized, abused and misunderstood them.**

**The labour movement is in a unique position to address the societal inequities that create barriers to employment for people with mental health issues.**

**Of all persons with disabilities, those with a serious mental illness face the highest degree of stigmatization in the workplace, and the greatest barriers to employment.**

## TRAINING

OFL will ensure that the following persons receive training required by the AODA:

- All persons who deal with members or other members of the public on behalf of OFL, whether they do so as elected or appointed officials, employees, volunteers, agents or otherwise; and
- All persons who participate in developing OFL policies, procedures and practices dealing with the provision of goods and services to members or other members of the public.

The content of training must include:

- The purpose of the *Accessibility for Ontarians with Disabilities Act*;
- The requirements of the Accessibility Standards for Customer Service;
- How to interact and communicate with individuals with various types of disabilities;
- How to interact with individuals with disabilities who use assistive devices or who require the assistance of a service animal or support person;
- Information about the assistive devices made available by OFL that may help individuals with disabilities access its goods and services;
- What to do if an individual with a disability is having difficulty accessing goods and services; and
- Instruction on OFL compliance statements, procedures and practices pertaining to the provision of goods and services to individuals with disabilities.

## TRAINING TIMELINES

Training will be provided as soon as practicable after elected or appointed officials, employees, volunteers and other persons are assigned the applicable duties. Training will also occur on an on-going basis as changes are made to the compliance statements, procedures and practices dealing with the provision of goods and services to individuals with disabilities.

## TRAINING RECORD KEEPING

OFL will keep records of the training required by these compliance statements, including the number of persons trained and the dates on which training occurred. The names of individuals trained will be recorded for training administrative purposes subject to the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

## FEEDBACK AND COMPLAINTS

Feedback and complaints about the manner in which goods and services are provided to individuals with disabilities may be made in-person, by telephone, electronically, in writing or by other reasonable methods.

## AGENTS AND OTHERS PROVIDING GOODS AND SERVICES ON BEHALF OF THE OFL

Agents and others providing goods and services on behalf of OFL must abide by the Accessibility Compliance Statements and its corresponding Procedures and Practices.

**In addition to removing barriers to employment, the labour movement will need to continue pressing for human, labour and employment “accommodation” rights within our workplaces.**

**After a person becomes employed, “accommodation” law becomes an important “rights-based” anchor to employment.**

**Powerful and pervasive, stigma prevents people from acknowledging their own mental health problems, much less disclosing them to others.**

## **NOTICE OF THE AVAILABILITY OF THE REQUIRED DOCUMENTS**

OFL will provide notice that the documents required by the Accessibility Standards for Customer Service are available to the public upon request.

## **DOCUMENT FORMAT**

When providing the documents to the public, the documents or the information contained in them will be provided in a format that takes the person's disability into account.

## **REVIEW AND MODIFICATION OF COMPLIANCE STATEMENTS**

OFL is committed to ensuring that the Accessibility Compliance Statements for Members and Community Members, and its corresponding Procedures and Practices, respect and promote the dignity and independence of individuals with disabilities. Therefore, no changes will be made to this Compliance Statement before considering the effect on people with disabilities and consistency with legislation.

## **PROVIDING GOODS AND SERVICES TO INDIVIDUALS WITH DISABILITIES INCLUDING THE USE OF ASSISTIVE DEVICES**

### **Application**

These procedures and practices deal with the manner in which goods, services and events are provided by or on behalf of OFL to individuals with disabilities.

### **Serving Individuals with Disabilities including the Use of Assistive Devices**

It is important for all individuals to access the goods, services and events provided by OFL. In some situations individuals with disabilities will require certain modifications in the way goods and services are provided. OFL will make reasonable efforts to accommodate them in a manner that abides by the guiding principles of demonstrating respect for their dignity and independence, providing equality of opportunity and providing goods, services and events to individuals with disabilities in a manner that is integrated with others.

### **Communicating with Individuals with Disabilities**

An important aspect of accommodating people with disabilities is to communicate in a manner that takes their disability into consideration.

OFL representatives will be trained on how the following forms of communication can assist individuals with disabilities:

- Typing or writing back and forth;
- Speaking more slowly or clearly;
- Communicating through electronic means, such as e-mail; and
- Using gestures.

For example, where suitable, OFL representatives will communicate in writing with people who are hard of hearing or deaf or with people who have speech disabilities.

### **Accommodating individuals with Disabilities**

Individuals who require assistance should inform an OFL representative so that their accommodation requests can be addressed.

Before offering assistance to a person with a disability, OFL representatives are instructed to ask the person how they would like to be assisted instead of making assumptions about how to help them.

Interactions dealing with accommodating individuals with disabilities will be done with sensitivity and discretion.

### **Considerations for Determining Accommodation**

Individuals with disabilities may require some form of assistance or changes in the way services are provided. When determining a suitable means of accommodating someone with a disability consider the effect the accommodation will have on the following:

- The guiding principles of the Accessibility Standards for Customer Service;
- The nature of the goods, services or events;
- The ability of others to access goods, services or events in their intended manner;
- The health or safety of the person with the disability and others; and
- Costs.

### **Informal Accommodation**

Often individuals with disabilities require simple forms of accommodation that can be provided quickly and easily such as assistance in completing forms or reading agendas to someone who is visually impaired, or locating restrooms or other destinations.

### **Formal Accommodation**

Formal accommodation includes various forms of assistance or special arrangements including, but not limited to, providing documents in Braille or providing real-time captioning services.

### **Advanced Notice for Requests**

Advanced notice and the completion of an accommodation form will be required for certain accommodations. For example, due to the scarcity of sign language interpreters and real-time captionists as well as other forms of accommodation, we encourage that the OFL office be notified of requests as soon as possible. Accommodation requests should be directed to the appropriate designate.

### **Individuals Who Use Assistive Devices**

Individuals may use their own assistive devices such as wheelchairs, scooters, walkers or other assistive devices when visiting OFL premises or they may use the devices provided by OFL where they are available.

### **Requirements For The Safe Operation Of Assistive Devices**

For the safety of everyone, assistive devices must be operated in a controlled manner at all times.

## **Restrictions In The Use Of Assistive Devices**

Due to health and safety reasons, some assistive devices will not be permitted in certain areas. If an assistive device cannot fit into an OFL area or is not permitted into an OFL area staff, will offer to serve members or others with disabilities in another manner, if possible. For example, where appropriate and possible staff, will offer the use of an alternative assistive device or bring the goods or services to the individual.

*Please note: The OFL will not be responsible for loss or damage to property however caused.*

## **The Use Of Recording Devices**

All individuals will respect the confidential nature of meetings and discussions when using recording devices and agreement may need to be reached with respect to the disposition of any recordings.

## **Transferring On And Off Of Assistive Devices**

OFL representatives are not able to provide physical assistance to members or other members of the public such as assistance transferring on or off assistive devices. Members must be able to transfer on and off of their assistive devices independently or with the assistance of their support person.

## **The Privacy of Accommodation Requests**

Requests for accommodation will be kept confidential and subject to the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

# **SUPPORT PERSON PROCEDURES AND PRACTICES**

## **Application**

These procedures and practices apply where OFL provides its goods, services and events on premises that it owns or operates and where OFL members and other members of the public have access.

## **Support Persons for Individuals with Disabilities**

Some individuals with disabilities may require the assistance of a support person to help them access the goods, services and events provided by OFL. Support persons may be a family member, friend or a trained caregiver. The assistance they provide may include helping someone with personal care, monitoring the individual's health, communication and other forms of assistance.

## **Support Persons**

Individuals with disabilities may enter OFL premises with their support person and will not be prevented from having access to them while on OFL premises.

## **Health and Safety Requirements and the Need for Support Persons**

In some situations, OFL will require individuals with disabilities to be accompanied by a support person if one is necessary to protect the health and safety of the person with the disability or the health and safety of others while on OFL premises.

In these rare incidences, the OFL designate must determine if a support person is required. Decisions will be based on the individual and not on stereotypes about their disability. If no support person

is available, the designate will determine if an acceptable alternative means of providing goods and services is available or whether services should and can be rescheduled when appropriate arrangements can be made.

The OFL designate will approach these discussions with sensitivity and discretion.

It should be understood that OFL representatives are not permitted to provide physical assistance to members or others with disabilities. Support persons must be capable and available to provide assistance if necessary.

### **Dealing with the Confidential Matters**

Consent will be required from any person if their confidential matters are addressed in the presence of a support person or where OFL determines consent necessary. In some situations, support persons may be required to sign a confidentiality statement.

Requests for accommodating individuals with disabilities will be treated as confidential and subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

### **Notice of Fees for Support Persons**

Where admission fees are charged, notice of the fees for support persons who are accompanying a member or others with a disability will be provided in advance.

## **SERVICE ANIMALS PROCEDURES AND PRACTICES**

### **Application**

These procedures and practices apply where OFL provides goods and services on premises it owns or operates and where OFL members and other members of the public have access.

#### **The Use of Service Animals by Individuals with Disabilities**

Service animals provide a wide range of support including guiding people who are blind, alerting people who are hard of hearing or deaf to certain sounds as well as emotional support to people with mental illness.

### **Identifying Service Animals**

A service animal may be a guide dog or any other animal that assists a person with a disability. Some service animals are clearly identified by their vests or harnesses.

If it is not obvious that the animal is a service animal, OFL representatives may ask for a letter from a physician or nurse stating that the animal is required for reasons related to a disability, for a valid identification card or training certificate from a recognized service animal training school such as the Lions Foundation of Canada.

### **Requesting Service Animal Identification**

When requesting service animal identification, OFL representatives will do so with sensitivity and discretion.

## **Allowing Service Animals Onto OFL Premises**

Members or others with disabilities are permitted to keep their service animal with them while on OFL premises if the public and other third parties are permitted into these areas. An exception exists if the animal is excluded by law. If the animal is excluded by law, OFL will offer to accommodate the person in another manner.

## **Areas off Limits to Service Animals Restricting Service Animals By-Law**

Ontario Regulation 562 under the *Health Protection and Promotion Act*, states that animals are not permitted where food is prepared, processed, handled, served, displayed, sold, offered for sale or processed.

Exceptions are made for service dogs to allow them into areas where food is served, sold and offered for sale. For example, service dogs are allowed in restaurants but other service animals are not.

## **Municipal By-Laws**

Some municipal by-laws restrict the types of animals permitted in their jurisdictions. Individuals who use service animals are advised to check with the Town or City Clerk's Department of the town or city they will be visiting to make certain that their service animal is permitted in that municipality. If the service animal is not permitted, members and other members of the public are advised to arrange for another form of support, if necessary.

## **Other Areas Off-Limits to Service Animals**

For health and safety reasons, OFL may identify certain areas as off-limits to service animals or to certain types of service animals. If members or other members of the public have concerns or questions they should contact the OFL office.

## **Responsibilities of Individuals with Service Animals**

Persons with service animals must:

- Keep the animal in control at all times;
- Not leave the animal unattended;
- Make certain the animal is well behaved and as unobtrusive as possible;
- Ensure the animal is not a threat to the health and safety of any person or other animals;
- Ensure the animal's immunizations are up-to-date; and
- Wherever possible they should clean up after their service animal.

It should be understood that OFL representatives are not permitted to handle or care for service animals.

## **Removal of Service Animals from OFL Premises/Events**

For the safety of everyone, service animals will be required to leave OFL premises/events if they display the following:

- Threatening behaviour - including aggressive barking, growling or other aggressive behaviour;
- Damage to persons or property - owners are responsible for damage caused by their service animal;  
or
- Contagious Illness - where there is a risk that the illness may spread to others.

## **Informing Individuals to Remove Service Animals**

When informing a person that their service animal is not permitted on OFL premises/events or must be removed from the premises/events, OFL representatives will explain the reasons why, discuss alternative forms of accommodation and address the matter with sensitivity and discretion.

## **Fear and Allergic Reactions to Animals**

Common allergic reactions and fear of animals are not disabilities. As a courtesy, the OFL will attempt to accommodate individuals who have common reactions to service animals.

Although rare, severe and debilitating reactions to animals will be accommodated by limiting exposure to the animal or by making reasonable efforts to provide services in another manner.

# **NOTICE OF TEMPORARY DISRUPTIONS IN SERVICES AND FACILITIES**

## **Application**

These procedures and practices apply when there is a temporary disruption in the services or facilities usually used by individuals with disabilities in order to access OFL premises or its goods, services and events.

## **Procedures and Practices for Providing Notice of Temporary Disruptions in Services and Facilities**

When a temporary disruption occurs in services and facilities usually used by individuals with disabilities, OFL will make reasonable efforts to provide notice. Examples of these facilities and services include but are not limited to ramps, elevators, automatic doors and accessible washrooms. Disruptions that occur due to an extensive power outage do not require notice to be provided since it is widely understood that certain facilities and services will be unavailable at these times.

## **Content of Notices**

Notices of service and facility disruptions will include the following information:

1. The reason for the disruption;
2. The expected length of the disruption; and
3. Information on alternative means of accessing the goods, services or events if they exist.

## **Format and Placement of Notices**

- Notices of disruptions will be posted clearly and in a format that is reasonable under the circumstances.
- Notices will be placed in conspicuous locations such as the entrances of buildings experiencing the disruption or the site of the disruption or on the website or by other methods considered reasonable under the circumstances.
- Visual notices will be provided in large clear print using contrasting colours between the text and its background.
- The format and placement of notices will consider the types of disabilities of members or others who use the disrupted service or facility. For example, when printed notices are used, OFL will plan how to inform individuals who are blind of the disruption, if they use the disrupted service or facility.

## **Responsibilities of OFL Representatives**

When becoming aware of an unexpected disruption in services or facilities, OFL representatives will notify the OFL designate responsible for the disrupted service or facility so that they can follow the notification procedures.

### **OFL Responsibilities**

OFL representatives or designates who are responsible for the service or facility experiencing the disruption will:

1. Determine a reasonable amount of advanced notice for planned disruptions such as elevator maintenance and ramps that are blocked due to construction;
2. Provide notice of unexpected disruptions as soon as reasonably possible;
3. Determine an appropriate format and location for notices that will consider the disabilities of members or others who use the service or facility;
4. Identify alternative means of accessing goods and services affected by the disruption, if alternatives exist;
5. Make certain that notices contain the required content including the location of alternative services, facilities or technologies and how to acquire them; and
6. Remove notices at the end of the service or facility disruption. Reasonable efforts should be made to provide notice so that individuals with disabilities have time to consider alternatives that may be available.

For example, due to certain disruptions, a member may require additional time to arrange for a support person or to book transportation services for an alternative meeting date or location.

## **COMPLAINTS/FEEDBACK PROCESS**

### **Purpose**

This complaints/feedback process is intended for comments regarding the manner in which goods and services are provided to individuals with disabilities.

### **The Importance of Feedback**

Feedback helps to identify where changes might be needed so that OFL can achieve its commitment to providing accessible goods, services and events to all of its members and other members of the public.

### **Where to Find Information about the Feedback and Complaints Process**

Information about the feedback process as well as the Feedback and Complaints Form are available at [www.ofl.ca](http://www.ofl.ca). Additionally, OFL representatives can provide information on how to give feedback or make a complaint.

### **How to Give Feedback**

Feedback may be provided in person, by telephone, in writing or by e-mail. To improve the ability of OFL to effectively address feedback, it is recommended that it be received as soon as possible.

## **MAKING A COMPLAINT**

### **Informal Resolution**

Complaints about the manner in which services are provided to individuals with disabilities or about the accommodation provided to them should be addressed with the OFL representative involved in the situation as soon as possible. The complainant and the OFL representative can work towards a satisfactory resolution. If a resolution cannot be reached, the OFL representative will inform the individual of the option of making a formal complaint.

### **Formal Complaint Resolution**

At this stage, the individual will be directed to the OFL Secretary-Treasurer who will assign someone to work with them towards a resolution.

Alternatively, they may complete a Feedback Form which will be forwarded to the OFL Human Rights Director.

### **OFL Review of Complaints**

After reviewing the formal complaint information, the complainant will be contacted about the progress of the complaint.

### **Appeal to the OFL President**

If a satisfactory resolution is not achieved, an appeal may be forwarded to the OFL President, or their representative, who will work with the parties to resolve the issue(s). The OFL Constitution (Article VI-Section 1) notes that “the President shall function as the chief executive officer of the Federation”.

### **Accessible Formats of Feedback Proceedings**

Information pertaining to the feedback and complaints process, including the Feedback and Complaints Form, will be provided in a format that takes the person’s disability into consideration.

### **Feedback about Others Providing Goods and Services on Behalf of OFL**

Individuals or organizations providing goods or services on behalf of OFL must follow the Feedback Process and assist OFL with investigations and provide all relevant information when requested.

### **Confidentiality**

Information pertaining to members or other members of the public, their complaint and any persons who may be named in the complaint, will be held in confidence subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Feedback and complaints about local functions or events should be directed to the local office.

Individuals will develop and publicize their feedback and complaint process.



# MEMBER & COMMUNITY SERVICE FEEDBACK FORM

Thank you for visiting the Ontario Federation of Labour. We value all of our members and strive to meet everyone's needs, including community members.

Please tell us the date and time of your visit:

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Did we respond to your member/community service needs today?

YES  NO

Was our member/community service provided to you in an accessible manner?

YES  SOMEWHAT  NO (please explain below)

Did you have any problems accessing our goods and services?

YES  SOMEWHAT  NO (please explain below)

Please add any other comments you may have:

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Thank you.

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# RECORD OF MEMBER/COMMUNITY SERVICE FEEDBACK

Date Feedback Received:

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Name of Member/Community Member:

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Contact Information:

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Details:

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Follow-Up:

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Action to be Taken:

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Staff Member:

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Date:

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# QUESTIONS/COMPLAINTS/FEEDBACK

Please contact the Ontario Federation of Labour at the coordinates below, for the following:

- Questions about the compliance statements or to receive a copy of the compliance statements;
- Complaints; or
- Feedback.

Direct your request to:

## **Nancy Hutchison, OFL Secretary-Treasurer**

**Email:** [nhutchison@ofl.ca](mailto:nhutchison@ofl.ca)

**Phone:** 416-443-7651

**Fax:** 416-441-1893

**Toll-Free:** 1-800-668-9138

**TDD:** 416-443-6305

**Mail:** Ontario Federation of Labour  
15 Gervais Drive, Suite 202  
Toronto, Ontario, Canada M3C 1Y8



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