

March 27, 2014

Via E-Mail and Regular Mail

Mr. R. Goodfellow
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Your reference

Our reference

Dear Mr. Goodfellow:

Accessibility for Ontarians with Disabilities Act: Upcoming Obligations under the Integrated Accessibility Standards

Please find enclosed a slide deck with respect to the Accessibility for Ontarians with Disabilities Act.

This may be used as a template for training to be provided under the Accessible Customer Service Policy and Plan for the CRAO members.

In addition to the slide show CRAO members will need to identify any assistive devices available on their premises or otherwise, that may help in providing goods and services to people with disabilities.

We suggest that the member organizations read the template Accessible Customer Service Policy and Plan as well as the slide deck and identify any particular issues with respect to their Company's services and premises.

They will need to fill in the template information in the service policy and plan and post it in their workplace and on their website.

In addition they will need to make records of all training provided under the Policy and Plan as set out on page 2 of the template.

Finally, if applicable, they will have to complete the Accessibility Compliance Report, as detailed in the accompanying correspondence.

Yours very truly,



David J. Bannon
Partner

DJB/jb

Attach.

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Accessibility for Ontarians with Disabilities Act

Accessibility for Ontarians with Disabilities Act, 2005

- **The Accessibility for Ontarians with Disabilities Act, 2005 (“AODA”) was enacted in 2005 to improve accessibility for those with disabilities in Ontario**

Customer Service Accessibility Standards

- The AODA is being implemented in phases. First phase was implementation of a Customer Service Accessibility Standard
 - » January 1, 2010 – Public Sector Employers
 - » January 1, 2012 – Private Sector Employers

Customer Service Accessibility Standards

- What's required?
 - » CRAO Member Companies must develop policies, practices, and procedures that will ensure persons with disabilities have equal access to the goods and services we provide to the public
 - » Equal access must be achieved in an integrated manner, respecting the dignity and independence of persons with disabilities
 - » We must think more broadly than "customers"

Customer Service Accessibility Standards

- Immediate impact on customers/clients
 - » Customer service accessibility policies must:
 - » Allows persons with disabilities to use their personal assistive devices (wheelchairs, hearing aids, etc.)
 - » Allows persons with disabilities to use a support person, guide dog, or other service animal, except where prohibited by law (food safety, etc.)

Customer Service Accessibility Standards

- Other obligations:
 - » Persons with disabilities must be communicated with in a manner that is considerate of their disability
 - » When there is going to be a temporary disruption in services of facilities used by persons with disabilities, advance notice must be provided to the public
 - » CRAO Member Companies has to create a process for people to provide feedback about our accessibility efforts

Employee Training Requirements

- CRAO members must train employees who provide goods and services to customers so that they can do so in a manner that is consistent with AODA
- At CRAO members, this includes:
 - Customers and consumers who phone in to the Offices or Dispatch
 - Customers who take tours of member yards or office facilities
 - Third Parties, including government employees who conduct audits at the members facility

Employee Training Requirements

- The training must teach employees to:
 - Interact and communicate with persons with various types of disability
 - Interact with persons with disabilities who require an assistive device, guide dog, other service animal, or a support person
 - Use equipment available on the premises that may help with the provision of goods or services to a person with a disability

Examples of Disabilities

- Physical
- Vision loss
- Hearing loss
- Deafblind
- Speech impairments
- Learning
- Developmental
- Mental health

Suggested Tips – Physical Disabilities

- If you need to have a lengthy conversation with someone who uses a wheelchair or scooter, consider sitting so you can make eye contact at the same level
- Don't touch items or equipment without permission
- If you have permission to move a person's wheelchair or scooter, don't leave them in an awkward, dangerous or undignified position, such as facing a wall or in the path of opening doors

Suggested Tips – Vision Loss

- Can restrict someone's ability to read – some customers may use a guide dog or a white cane, while others may not
- When you know someone has vision loss, do not assume the individual can not see you – many people who have low vision still have some sight
- Identify yourself when you approach and speak directly to the customer
- Ask if they would like you to read any printed material out loud to them
- Offer your elbow to guide them, if needed

Suggested Tips – Hearing Loss

- May be deaf, deafened or hard of hearing
- They may also be oral deaf – unable to hear, but prefer to talk instead of using sign language
- Once someone has identified themselves as having hearing loss, make sure you are in a well-lit area where they can see your face and read your lips
- If your customer uses a hearing aid, reduce background noise or move to a quieter area
- If necessary, ask if another method of communicating would be easier (i.e., using a pen and paper)

Suggested Tips - Deafblind

- A person who is deafblind may have some degree of both hearing and vision loss
- Many people who are deafblind will be accompanied by a professional support person who helps with communication
- A customer who is deafblind is likely to explain to you how to communicate with them, perhaps with an assistance card or a note
- Speak directly to your customer, not to the support person

Suggested Tips – Speech Impairments

- Cerebral palsy, hearing loss or other conditions may make it difficult for a person to pronounce words or may cause slurring
- Some may use a communication board or other assistive devices
- Do not assume that a person with a speech impairment also has another disability
- Whenever possible, ask questions that can be answered with “yes” or “no”
- Be patient – do not interrupt or finish the person’s sentences

Suggested Tips – Learning Disabilities

- “Learning disabilities” refers to a variety of disorders
- Be patient. People with some learning disabilities may take a little longer to process information, to understand and to respond
- Try to provide information in a way that taken into account the customer’s disability (ie. some people with learning disabilities may find written words difficult to understand)

Suggested Tips – Developmental Disabilities

- Developmental abilities, such as Down Syndrome, can limit a person's ability to learn, communicate, do everyday physical activities and live independently
- Do not make assumptions about what a person can do
- Use plain language
- Provide one piece of information at a time

Suggested Tips – Mental Health

- Mental health issues can affect a person's ability to think clearly, concentrate or remember things
- Broad term for many disorders that can range in severity (ie. Anxiety due to hallucinations, mood swings, phobias or panic disorder)
- If you sense or know that an individual has a mental health disability be sure to treat them with the same respect and consideration you have for everyone else
- Be calm and reassuring
- If a customer appears to be in crisis, ask them to tell you the best way to help

How to Interact With People Who Use Assistive Devices

- An assistive device is a tool, technology or other mechanism that enables a person with a disability to do everyday tasks and activities
- Includes things like wheelchairs, hearing aids, white canes or speech amplification devices
- Do not touch or handle any assistive device without permission
- Do not move assistive devices or equipment, such as canes or walkers, out of your customer's reach
- Let your customer know about accessible features in the immediate environment that are appropriate to their needs (ie. Public phones with TTY service, accessible washroom)

How to Interact With a Person Who Has A Guide Dog or Other Service Animal

- Under the standard, service animals must be allowed on the parts of your premises that are open to the public
- A service animal is a working animal, not a pet
- Avoid touching or addressing the service animal
- If you're not sure if the animal is a pet or service animal, ask
- Consider whether food safety laws prevent the service animal from coming into the workplace

How to Serve a Person Accompanied By a Support Person

- Some people with disabilities may be accompanied by a support person
- A support person can be a personal support workers, a volunteer, a family member or a friend
- A support person might help with a variety of things: communicating, mobility, personal care or medical needs
- Welcome support people to your workplace
- If you're not sure which person is the customer, take your lead from the person using or requesting your goods or services, or simply ask
- Speak directly to your customer, not to their support person

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Your reference

Our reference

Dear Ray:

Accessibility for Ontarians with Disabilities Act: Upcoming Obligations under the Integrated Accessibility Standards

This letter summarizes the obligations that private sector organizations will face under the Integrated Accessibility Standards, O. Reg. 191/11, passed under the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11 ("AODA").

The Integrated Accessibility Standards contains three separate standards: a Transportation Standard, an Employment Standard, and an Information and Communications Standard. Of these, only the Employment Standard and the Information and Communications Standard will apply to most of your members. These are, of course, in addition to the requirements of the Customer Service Standard which came into effect on January 1, 2012.

Obligations under the Integrated Accessibility Standards will come into force in stages at different times. "Large organizations" (defined in the Integrated Accessibility Standards as private-sector organizations with 50 or more employees in Ontario) face some additional obligations which "small organizations" (private-sector organizations with at least 1, but fewer than 50 employees in Ontario) do not. Large organizations also have earlier deadlines to meet many of their obligations.

Obligations on Large Organizations (50+ Employees in Ontario)**General Obligations****By January 1, 2014**

- The organization must develop and implement policies on how it will achieve accessibility by complying with the Integrated Accessibility Standards.
- o The policies must include a "statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner." This is simply a statement that reads "[Name of organization] is

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committed to . . .”

- o The policies must be in writing and made available to the public.
- The organization must create a “multi-year accessibility plan” which sets out the organization’s strategy for removing barriers to accessibility and for meeting its obligations under the Integrated Accessibility Standards.
- o The plan must be posted on the organization’s website.
- o The plan must be reviewed and updated every five years.

By January 1, 2015

- The organization must ensure that all employees, volunteers, anybody involved in developing the organization’s policies, and any other persons who provide goods or services on the organization’s behalf are given training on the Integrated Accessibility Standards, and on the Human Rights Code as it relates to disabilities.
- o The training must include training on the policies mentioned above.
- o The organization must keep records of the training, including dates and number of people trained.

Information and Communications Standard

By January 1, 2012

- If the organization provides emergency procedures, emergency plans or public safety information to the general public, that information must be made available in accessible formats.

By January 1, 2014

- Any new websites, and content on those websites, must meet the requirements of the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 at Level A (The organization’s IT department should be familiar and able to implement this).

By January 1, 2015

- If the organization has processes by which people can provide feedback (on any topic, not just accessibility), those processes must be accessible to people with disabilities.

By January 1, 2016

- Upon request from a disabled person, the organization must arrange for information to be given to that person in an accessible format, or for “communication supports” (captioning of videos, sign language, etc.) to be used, at the same cost that is charged to non-disabled persons to access the same information.
- o The organization must consult with the person making the request to determine the appropriate formats.
- o The organization must notify the public that accessible formats and “communication supports” are available.

By January 1, 2021

- All websites (not just new ones), and all content that was published to a website after January 1, 2012, must meet the requirements of the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 at Level AA, except for criteria 1.2.4 Captions (Live) and 1.2.5 Audio Descriptions (Pre-recorded) (The organization's IT department should be familiar and able to implement this).

Employment Standard

By January 1, 2012

- If the organization is aware that an employee has a disability which creates a need for individualized emergency response information, that information must be provided.
 - o For example, an employee using a wheelchair might not be able to use a particular emergency exit at the bottom of a staircase, so he or she may need special information on how to exit the building in an emergency.
 - o If the employee might need assistance during an emergency, and if the employee consents, the emergency response information can also be given to another person who can help the employee.

By January 1, 2016

- During recruitment processes, the organization must notify its employees and the public that accommodation for people with disabilities is available during the process (i.e., job ads should include a statement that accommodation is available).
- When job applicants are selected for an interview, they must be individually told that accommodations are available for the interview process, and these accommodations must actually be provided in consultation with the individual.
- When making an offer of employment, the organization must notify the successful applicant of its policies for accommodating employees with disabilities (i.e., the offer letter should include a statement that such policies exist and where to find them).
- More generally, the organization must inform its employees of any policies it has to support employees with disabilities.
- Upon request from an employee with a disability, the organization must provide the employee, in an accessible format, any information he or she needs to do his or her job and any other information that is generally given to employees.
- The organization must create a written process for developing individual accommodation plans for employees with disabilities. The process must include:
 - o How an employee can participate in developing the plan;
 - o How an employee's needs will be assessed on an individual basis;
 - o How and when the organization can request an independent medical examination or other independent expert evaluations (at the organization's expense);
 - o How an employee can request assistance from a representative in the workplace in developing the plan;
 - o How the privacy of the employee's personal information will be protected (e.g., medical information);

- o How, and how often, the individual accommodation plan will be reviewed and updated;
- o How an employee will receive reasons when a request for accommodation is denied; and
- o How the plan will be provided in accessible formats.
- The organization must create a written return-to-work process for employees with disabilities who require accommodation in order to return to work, and the process must involve the use of individual accommodation plans as discussed above.
- The organization must take employees' disabilities and accommodation needs into account in performance management.
- If the organization uses a redeployment process to redeploy employees to different departments instead of a layoff, that process must take employees' disabilities into account.

Obligations on Small Organizations (1-49 Employees in Ontario)

General Obligations

By January 1, 2015

- The organization must develop and implement policies on how it will achieve accessibility by complying with the Integrated Accessibility Standards.

By January 1, 2016

- The organization must ensure that all employees, volunteers, anybody involved in developing the organization's policies, and any other persons who provide goods or services on the organization's behalf are given training on the Integrated Accessibility Standards, and on the Human Rights Code as it relates to disabilities.
- o The training must include training on the policies mentioned above.

Information and Communications Standard

By January 1, 2012

- If the organization provides emergency procedures, emergency plans or public safety information to the general public, that information must be made available in accessible formats.

By January 1, 2016

- If the organization has processes by which people can provide feedback (on any topic, not just accessibility), those processes must be accessible to people with disabilities.

By January 1, 2017

- Upon request from a disabled person, the organization must arrange for information to be given to that person in an accessible format, or for "communication supports" (captioning of videos, sign language, etc.) to be used, at the same cost that is charged to non-disabled persons to access the same information.

- o The organization must consult with the person making the request to determine the appropriate formats.
- o The organization must notify the public that accessible formats and “communication supports” are available.

Employment Standard

By January 1, 2012

- If the organization is aware that an employee has a disability which creates a need for individualized emergency response information, that information must be provided.
 - o For example, an employee using a wheelchair might not be able to use a particular emergency exit at the bottom of a staircase, so he or she may need special information on how to exit the building in an emergency.
 - o If the employee might need assistance during an emergency, and if the employee consents, the emergency response information can also be given to another person who can help the employee.

By January 1, 2017

- During recruitment processes, the organization must notify its employees and the public that accommodation for people with disabilities is available during the process (i.e., job ads should include a statement that accommodation is available).
- When job applicants are selected for an interview, they must be individually told that accommodations are available for the interview process, and these accommodations must actually be provided in consultation with the individual.
- When making an offer of employment, the organization must notify the successful applicant of its policies for accommodating employees with disabilities (i.e., the offer letter should include a statement that such policies exist and where to find them).
- More generally, the organization must inform its employees of any policies it has to support employees with disabilities.
- Upon request from an employee with a disability, the organization must provide the employee, in an accessible format, any information he or she needs to do his or her job and any other information that is generally given to employees.
- The organization must take employees’ disabilities and accommodation needs into account in performance management.
- If the organization uses a redeployment process to redeploy employees to different departments instead of a layoff, that process must take employees’ disabilities into account.

Mr. R. Goodfellow
March 27, 2014

Yours very truly,



David J. Bannon
Partner

DJB/jb

[CRAO MEMBER]

Accessible Customer Service Policy and Plan
Providing Goods and Services to People with Disabilities

Policy and Plan

[COMPANY NAME] is committed to excellence in serving all customers and all employees of its customers, including people with disabilities. [COMPANY NAME] will provide accessible customer service in a way that respects the dignity, equality and independence of people with disabilities. [COMPANY NAME] is committed to compliance with the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Accessibility Standard for Customer Service*.

Communication

[COMPANY NAME] will communicate with people with disabilities in ways that take into account their disability. To do this, we will teach employees of [COMPANY NAME] who interact with our customers and members of the public how to interact and communicate with people with various types of disabilities.

Requests by persons with disabilities for alternative methods of communication will be fulfilled as promptly as feasible.

Assistive devices

[COMPANY NAME] will ensure that our staff are trained and familiar with various assistive devices we have on site or that we provide that may be used by customers with disabilities while accessing our goods or services.

Our employees will be able to help customers with disabilities navigate within our facilities as requested and/or as allowed by the individual using an assistive device, taking into consideration and respecting the dignity and independence of the individual.

Service Animals & Support Persons [THIS SECTION MAY BE OMITTED IF THE PREMISES ARE NEVER ACCESSIBLE TO THE PUBLIC, OR "OTHER THIRD PARTIES" (I.E. EMPLOYEES OF CORPORATE CUSTOMERS)]

[COMPANY NAME] welcomes people with disabilities who are accompanied by a service animal on the parts of our premises which are open to the public. Unless prohibited by law, the service animal may stay with the individual at all times.

Any person with a disability who is accompanied by a support person will be allowed to enter the company premises with his or her support person. At no time will a person with a disability who is accompanied by a support person be prevented from having access to his or her support person while on our premises.

Notice of temporary disruption

[COMPANY NAME] will provide notice to customers promptly in the event of a planned or unexpected disruption in the facilities or services usually utilized by people with disabilities. This notice will include information about the reason for the disruption, its anticipated length of time, and a description of alternative facilities or services, if available.

[COMPANY NAME] will post the notice conspicuously on the front door of the affected premises and on our company website [IF THERE IS A COMPANY WEBSITE].

Training

[COMPANY NAME] will provide training to our employees who deal with the public, [COMPANY NAME]'s customers or potential customers, or other third parties on [COMPANY NAME]'s behalf. Training will be provided to all regular, part-time and temporary employees who interact with the public; management employees; and persons who develop [COMPANY NAME]'s policies, practices and procedures governing the provision of goods or services to members of the public or third parties.

The goal of the training will be to ensure that our employees interact and communicate appropriately with individuals with various disabilities.

Training will include:

- An overview of the *Accessibility for Ontarians with Disabilities Act, 2005* and the requirements of the customer service standard;
- [COMPANY NAME]'s plan related to the customer service standard;
- How to interact and communicate with people with various types of disabilities;
- How to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;
- How to use any of the assistive devices available on-site or otherwise that may help with providing goods or services to people with disabilities;
- What to do if a person with a disability is having difficulty accessing [COMPANY NAME]'s goods and services

Employees will be trained when they are hired or placed into a position where they interact with members of the public or [COMPANY NAME]'s customers, and will be re-trained when changes are made to the Policy and Plan. The training will be provided to staff within [TIME FRAME] of their date of hire or change in position.

Records of all training provided under this Policy and Plan will be retained by [COMPANY NAME]'s [DIRECTOR OF HR or HR DEPARTMENT or SIMILAR].

Feedback process

[COMPANY NAME] aims to meet and exceed our customer expectations in all ways, including when we provide services to customers with disabilities.

Customer feedback regarding the way our company provides goods and services to people with disabilities may be made by mail, e-mail and telephone [NTD: UNLESS THERE IS SOME OTHER WAY THE COMPANY PREFERS TO RECEIVE IT].

[COMPANY NAME] can be reached by:

ADDRESS
TELEPHONE
EMAIL

All feedback, including complaints, will be directed to [COMPANY NAME]'s [DEPARTMENT THAT WILL DEAL WITH COMPLAINTS]. That [PERSON/DEPARTMENT] will consider all feedback directed to

[HIM/HER/IT]. Matters which require action on the part of [COMPANY NAME] will be referred to the appropriate person.

[COMPANY NAME] endeavours to respond to all complaints with [NUMBER OF DAYS] days.

Obtaining the Policy and Plan

To obtain a copy of the Policy and Plan, please contact [COMPANY NAME]'s [DEPARTMENT/INDIVIDUAL] by mail, e-mail or telephone at:

ADDRESS
TELEPHONE
EMAIL

[COMPANY NAME] will provide this Policy and Plan in a format that recognizes the disability of the person requesting it.

Modifications to this or other policies

Any Policy and Plan of [COMPANY NAME] that does not respect and promote the dignity and independence of people with disabilities will be modified or removed.