

Accessibility for Ontarians with Disabilities Act (AODA) and LAO

# LAO's accessibility policy



LEGAL AID ONTARIO  

---

AIDE JURIDIQUE ONTARIO

Title:	Accessibility for Ontarians with Disabilities Act (AODA) and LAO: LAO's accessibility policy
Author:	Legal Aid Ontario
Published:	September 2019

## Table of contents

Policy statement .....	1
Guiding Principles.....	1
Application .....	2
Accessible Information and Communications .....	2
Accessible Websites and Web Content .....	4
Accessible Customer Service Procedures.....	4
Assistive Devices.....	6
Service Animals.....	6
Support Persons.....	7
Feedback Process.....	9
Procedures for Complaints .....	10
Notice of Disruption .....	10
Training Commitments.....	12
Facilities.....	14
Procuring or Acquiring Goods, Services or Facilities .....	14
General.....	15
Further information .....	16
Definitions.....	17

## Policy statement

Legal Aid Ontario (LAO) is committed to ensuring a proactive approach with respect to accessibility by developing and implementing accessibility policies and procedures in accordance with the *Accessibility for Ontarians with Disabilities Act (AODA), 2005*. This Accessibility Policy sets out the policies and procedures that LAO has put in place to promote the core principles of dignity, independence, inclusion, integration, responsiveness and equality of opportunity for persons with disabilities.

## Guiding Principles

LAO recognizes that it serves a broad range of diverse people and is committed to ensuring that all individuals have access to and can effectively use LAO services, goods and facilities. LAO has an obligation and is committed to resolving, where possible, any barriers that limit, impede, or frustrate any person's ability to access or effectively use LAO goods, services and facilities.

LAO is committed to meeting the accessibility needs of persons with disabilities in a timely manner, including identifying, assessing and removing physical, informational and communications barriers for employees and the public who use LAO's services and facilities.

LAO will use reasonable efforts to ensure that its policies, practices and procedures with respect to persons with disabilities are consistent with the following principles:

1. Services and facilities are provided in a manner that respects the dignity and independence of persons with disabilities;
2. Services and facilities are provided to persons with disabilities in a manner that is integrated with the provision of services and 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 services or facilities; and
3. Persons with disabilities are given an opportunity equal to that given to others to obtain, use and benefit from the services or facilities provided by LAO.

# Application

AODA policies and procedures apply to the following, unless otherwise stated:

- a) all employees, irrespective of part-time, full-time, contract or permanent status;
- b) individuals completing a practicum, articling, co-op or placement as part of an academic program;
- c) vendors, contractors and all other persons who provide goods, services or facilities on behalf of LAO;
- d) board members;
- e) advisory committee members;
- f) roster members;
- g) volunteers; and,
- h) persons who participate in developing LAO's policies and procedures.

# Accessible Information and Communications

When communicating with a person with a disability, LAO will do so in a manner that takes into account the person's disability. LAO will offer, as necessary and where appropriate, to communicate with service recipients and stakeholders by email, mail, or other agreed upon methods if the telephone is not suitable to their communication needs, or is unavailable. LAO will continue to review the nature, manner and methods used to communicate to people with disabilities in an attempt to improve the accessibility of information and services.

Upon request, LAO will provide:

- a) all organizational information and communications made available to the public, including this policy;
- b) any publicly available emergency procedures, plans or public safety information to the public; and

- c) access to any processes for receiving and responding to feedback,

in an accessible format or via accessible communication support, at a cost no greater than the cost charged to other persons.

LAO will consult with the person making the request to determine the suitability of any accessible format or communication support provided. This information and documentation will be provided as soon as is practicable, but specific timeframes may vary depending on the format requested.

LAO's AODA information and communications policy does not apply to the following:

1. Unconvertible information or communications;
2. For the purposes of the Information and Communications Standard, information or communications are considered unconvertible if it is not technically feasible to convert them, or the technology to convert the information or communications is not readily available;
3. When information is not controlled directly or indirectly by LAO through a contractual relationship, unless the contractual relationship with a third party provider allows for modification.

If LAO determines that information or communications are unconvertible, the person requesting the information or communication will be provided with:

- a) an explanation as to why the information or communications are unconvertible; and
- b) a summary of the unconvertible information or communications.

## Accessible Websites and Web Content

LAO will only add to internet websites content that meets the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 Level AA. All new LAO internet websites will be WCAG 2.0 Level AA. All internet website and web content backdated to 2012 conforms to WCAG 2.0 Level AA, except where this is impracticable.

In determining whether meeting the requirements of this section is not practicable, staff may consider, among other things:

- the availability of commercial software, tools or both, and
- significant impact on an implementation timeline planned or initiated before January 1, 2012.

## Accessible Customer Service Procedures

1. LAO will ensure that:
  - a. employees are made aware of their roles and responsibilities under this accessible customer service procedure;
  - b. accommodation and accessibility issues identified with the delivery of LAO's services are addressed in a way that facilitates effective access to, and participation in LAO services;
  - c. sensitivity and responsiveness to any accommodation or accessibility issues during service delivery activity, including broader public communication and interaction.
2. Whenever a person identifies a barrier that limits their ability to participate in LAO services, the employee will promptly communicate LAO's commitment to address the relevant accommodation and/or accessibility issue(s).
3. When the employee identifies a barrier that limits an individual's ability to participate in LAO services, the employee will raise the issue with the person experiencing the barrier and confirm LAO's commitment to resolving the situation.

4. Where barriers are reported or identified, the employee will engage the person experiencing the barrier in a discussion to understand:
  - a. the precise nature and source of the barrier;
  - b. the barrier's impact on the person's ability to participate in LAO services
5. Once the specific impact of the barrier on the person's ability to participate in LAO services is understood, the employee will assess what is required to resolve the barrier in consultation with their immediate supervisor, and where appropriate, the supervisor will seek advice from relevant departments and develop proposed steps for addressing the identified barrier.
6. The employee or the supervisor will communicate to the person experiencing the barrier the proposed steps to accommodate or resolve the accessibility issue.
7. If the person experiencing the barrier is satisfied that the proposed measures resolve the issue, implementation may proceed.
8. Where the person experiencing the barrier does not agree that the proposed measures will resolve the barrier, further consultation with the supervisor and/or appropriate department should occur prior to confirming a final decision to the individual.
9. The supervisor and the employee involved will keep a record of the above, making notes as appropriate for future reference.
10. LAO agrees to examine needs on a case-by-case basis and make every effort to accommodate these

## Assistive Devices

LAO is committed to serving persons with disabilities who use assistive devices to obtain, use or benefit from services. LAO is committed to purchasing additional technology as appropriate and wherever possible to ensure accessibility in accordance with the AODA and associated regulations.

Assistive devices may include auxiliary aids such as communication aids, cognition aids, personal mobility aids and medical aids (i.e. canes, crutches, wheelchairs or hearing aids).

1. LAO acknowledges that persons with a disability have the right to use their own assistive devices to obtain, use or benefit from services, and will make reasonable efforts to facilitate such.
2. LAO will train relevant employees as appropriate and as needed on how to use assistive devices, which may be available at LAO for use by service recipients and stakeholders.
3. Employees will inform service recipients and stakeholders of assistive devices available for their use, where appropriate.

## Service Animals

LAO is committed to providing service to persons with disabilities who are accompanied by a service animal.

1. Employees will accommodate the use of service animals by persons with a disability who are accessing LAO services unless the animal is otherwise excluded by law and/or from areas not open to the public.
2. If a person with a disability is accompanied by a service animal, LAO will ensure that the person is permitted to enter the premises or parts of the premises that are open to the public, or other third parties, with the service animal and to keep the service animal with them unless the service animal is otherwise excluded by law.
3. Where a service animal is excluded by law from sections of the premises, the reason why the service animal is excluded will be explained to the person with a disability. LAO



will ensure that are other measures are available to enable the person with a disability to use LAO's services.

4. LAO will ensure that employees dealing with service recipients and stakeholders are trained how to interact with persons with disabilities accompanied by a service animal.
5. When a service animal is unruly or disruptive (jumping on people, biting or other harmful behaviour), an employee may ask the person with a disability to remove the service animal from the area. Other reasonable arrangements to provide services will be explored with the assistance of the person with a disability.
6. If it is not readily apparent that an animal is a service animal, a request may be made to the person with a disability to provide documentation from a regulated health professional confirming that the person requires the animal for reasons relating to a disability. The letter need only indicate that the animal is required, not why or how, nor need it identify the nature of the disability. Due to privacy issues, a copy of the documentation should only be kept as long as the file remains open.

## Support Persons

LAO is committed to providing service to persons with disabilities who are accompanied by a support person.

1. Where a person with a disability accessing LAO services is accompanied by a support person, employees will ensure that both persons are permitted to enter any premises owned or operated by LAO together, and that the person with a disability has access to the support person while on the premises at all times.
2. Where a support person is accompanying a person with a disability, for the purposes of assisting in a discussion that may involve confidential Information, consent of the person with a disability is required. The support person must also provide assurance to safeguard the confidentiality of information disclosed in the discussion.
3. When service is provided by phone, the person with the disability must be asked to provide consent for LAO employees to speak with their support person.
4. In the event that services are unable to be delivered to the person with a disability due to the presence or absence of a support person for reasons such as when no consent is

provided, the employee will explore alternative ways for the person with the disability to access the service.

5. In cases where there may be an admission fee for any LAO goods, services or facilities, LAO will not charge the fee for the support person.
6. LAO will ensure that all employees working with service recipients and stakeholders are trained how to interact with persons with a disability accompanied by a support person.
7. LAO may require a person with a disability be accompanied by a support person, but only if a support person is necessary to protect the health or safety of the person with a disability, or the health or safety of others. In this situation, LAO's requirement for a support person should be discussed with the person with a disability. Before making a decision, LAO will:
  - a. consult with the person with the disability to understand their needs
  - b. consider health or safety reasons based on available evidence
  - c. determine if there is no other reasonable way to protect the health or safety of the person or others on the premises
8. The assessment of the requirement of a support person by LAO must be based on consideration of the nature, type, and duration of risk, the likelihood, nature and severity of the potential harm, and whether the risk cannot be eliminated or reduced by other means.
9. When support persons are needed (e.g., sign language interpreters, real-time captioners, attendants) for LAO-sponsored meetings, consultations or events, LAO will, upon request, arrange to pay support persons directly for their time and reasonable travel expenses, and in accordance with LAO guidelines.
10. Employees will obtain authorization for any costs associated with a support person required by LAO in advance through their direct supervisor.

# Feedback Process

LAO is committed to establishing a process for receiving and responding to feedback about the manner in which it provides services to persons with disabilities, and about whether the feedback process is accessible to persons with disabilities.

1. Persons with disabilities will be encouraged to provide feedback to LAO regarding the accessibility of goods, services and facilities either in person, writing, email, via telephone, electronic text by email, CD or otherwise to the attention of the Diversity Officer.
2. Feedback may be accepted by any employee, in any format. Employees will use the feedback form on the Accessibility page on The Source and LAO website, which is received by the Diversity Officer. The Diversity Officer will review the information and determine next steps.
3. A feedback form is made available on LAO's website.
4. The Diversity Officer or designate will document and track feedback on accessibility.
5. Feedback will be reviewed for possible action that can be taken to improve LAO's goods, services and facilities.
6. For individuals who have left contact information, and if a response has been requested, the Diversity Officer or designate will acknowledge receipt of the request within 5 business days of receiving the information.
7. The description of the feedback process and this policy will be available upon request to any person, and readily available on LAO's website.
8. Response to feedback will endeavour to be in a format that is accessible to the person with a disability. Upon request, alternate formats can be made available, including assistance of an employee to complete forms.

## Procedures for Complaints

1. Complaints should be addressed to the Complaints Department. These will be addressed in accordance with LAO's complaints policy.
2. The individual will receive a message acknowledging receipt of the complaint stating that the matter will reviewed within 5 business days.
3. Further follow-up will be provided within 30 days, indicating when and how the matter will be addressed.
4. Action(s) taken in response to the complaint will be documented.

## Notice of Disruption

LAO is committed to providing service recipients and stakeholders with appropriate notice in the event of a planned or unexpected disruption in the services and/or facilities used by persons with disabilities.

### Expected disruptions procedure:

1. If a disruption in service is planned and expected, LAO will provide notice and information about the reason for disruption, its anticipated duration, and a description of alternative facilities or services, if available. This notice will be provided in accessible formats, where appropriate and feasible.
2. LAO's Manager, District Operations or designated manager of a local office will inform regional staff and notify Provincial Office, should they become aware of service disruptions from their respective landlords. This information will be made available to clients, as appropriate using usual client method of communication.
3. Notice may be provided by a variety of methods, depending on the circumstances, and may include postings in conspicuous places at the affected premises, other LAO facilities, on LAO's website, at its main switchboard, as well as by any other means that will ensure that the notice reaches those persons potentially affected by the disruption.

## Unexpected disruption procedure:

In the event of an unexpected disruption in service, LAO will provide notice and will include information about the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if available, as quickly as possible.

1. Employees are to notify their manager or the Manager, District Operations of expected or unexpected circumstances that may impact service delivery.
2. LAO's Manager, District Operations or the local office manager will inform regional staff and notify Provincial Office, should they become aware of service disruptions from their respective landlords. This information will be made available to clients, as appropriate, per the usual client communication venue.
3. The notice of disruption will be completed and posted by the manager of the local office or the Manager, District Operations.
4. This notice will be provided in accessible formats where appropriate and feasible.
5. Such notice may be provided using a variety of methods, depending on the circumstances, and may include postings in conspicuous places at the affected premises, other LAO facilities, on LAO's website, via the main switchboard, as well as by any other means that will ensure that the notice reaches those persons potentially affected by the disruption.

**Note:** This policy may not apply during any "Declared Emergency" as defined by the *Emergency Management and Civil Protection Act*. In the event that a local municipality declares an emergency, reduction or suspension of services would be dictated by the nature and scale of the emergency, and the resources allocated to respond to it. In general, any information received from the landlord pertaining to disruptions that impact services at LAO's head office at Atrium on Bay in Toronto, will be distributed to staff at the Provincial Office. Individual service departments will inform their regional staff, clients, partners and stakeholders of relevant service impacts through usual communication channels that they employ for such notifications. It is expected that the Ontario Ministry of the Attorney General (MAG) will similarly inform LAO staff at courthouses where LAO provides services.

# Training Commitments

LAO is committed to ensuring that training is provided on the applicable requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA) and on the *Human Rights Code* as it pertains to persons with disabilities (referred to as “AODA training”).

## Training procedure:

1. AODA training will include content of LAO AODA policies, general requirements of AODA, customer service, information and communication, employment standards, and design of public spaces, as applicable to the individual’s duties and responsibilities.
2. The customer service training will include:
  - a. how to interact and communicate with people with various types of disabilities;
  - b. how to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;
  - c. how to use the assistive devices, if any, available on LAO’s premises or elsewhere that may help with the provision of services to people with disabilities; and,
  - d. what to do if a person with a disability is having difficulty in accessing LAO’s services.
3. AODA training will be provided to:
  - a. all employees, irrespective of part-time, full-time, contract or permanent status;
  - b. individuals completing a practicum, articling, co-op or placement as part of an academic program;
  - c. vendors, contractors and all other persons who provide goods, services or facilities on behalf of LAO;
  - d. board members;
  - e. advisory committee members;

- f. roster members;
  - g. volunteers; and,
  - h. persons who participate in developing LAO's policies and procedures.
4. The training will be appropriate to the duties of the employee, board member, advisory committee member, roster member, volunteer, contractor, and any other individuals who may require AODA training.
  5. Every person will be trained as soon as is practicable, ideally within 30 days of starting employment.
  6. The training may be delivered in a variety of different formats, including online modules.
  7. Training will be provided on an ongoing basis to accommodate new employees, new board members, new advisory committee members, new roster members, vendors, contractors, and any other new persons and/or when there are changes to LAO accessibility policy or AODA legislation.
  8. Training requirements of vendors and contractors (other than roster members) who provide goods, services or facilities on behalf of LAO will be addressed through LAO's procurement process and policy.
  9. Roster members will be offered the AODA training and will confirm completion through the method identified.
  10. Employees trained by LAO on AODA will confirm this through HR Connect, the internal human resources system for documenting training and other HR functions.
  11. LAO will maintain AODA training records that include the:
    - a. number of individuals trained;
    - b. dates the training was provided; and,
    - c. training course title and summary of training content.

## Facilities

The Design of Public Spaces provisions of the AODA Regulation outline expectations when constructing new or redeveloping existing built-environment structures. Areas that impact LAO include:

1. exterior paths of travel including ramps, landings, stairs, curb ramps and depressed curbs;
2. accessible parking, access aisles and signage;
3. service counters;
4. queuing guides;
5. waiting areas; and
6. maintenance of the built-environment.

LAO will incorporate accessibility into its public spaces that are newly constructed or redeveloped. LAO will ensure that it follows the requirements stated under the Design of Public Spaces Standards (Accessibility Standards for the Built Environment). LAO will also provide, within its contractual obligations and capabilities, restoration and maintenance of LAO's public spaces by ensuring its Multi-Year Accessibility Plan includes procedures for preventative and emergency maintenance of accessible elements in LAO's public spaces and procedures for dealing with temporary disruptions when accessible elements required under this section are not in working order.

## Procuring or Acquiring Goods, Services or Facilities

LAO will incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities, including in the design, procurement or acquisition of self-service kiosks (if applicable), except where it is not practicable to do so, and where this is the case, upon request will provide an explanation.



# General

The procedures set out in this policy and AODA-related policy requirements are not a replacement nor a substitution for requirements established under the *Ontario Human Rights Code*, nor does any policy limit obligations owed to persons with disabilities under other legislation.

Failure to comply with the requirements could result in penalties as prescribed in AODA and other legislation.

## **LAO will:**

1. provide accessibility information publicly and upon request, and include documents describing its AODA policies and procedures;
2. provide requested documents or information contained in the documents in a format that is agreed upon by the requester and is practicable;
3. file accessibility reports as required;
4. not change AODA-related policies and procedures before considering the impact on people with disabilities and relevant legislation;
5. review and amend AODA-related policies and procedures as required when additional accessibility-related regulations are enacted, and in accordance with relevant legislation;
6. consider and include AODA legislation and intent when reviewing AODA-related policies and procedures;
7. apply AODA policies and procedures to goods, services and facilities, and to all premises it owns and/or operates;
8. apply AODA policies and procedures to any method of service delivery, such as by phone, online, or on external premises, such as a courthouse;
9. facilitate the identification, removal and prevention of barriers to persons with disabilities;

10. provide an accessibility feedback form on its website and intranet; establish, maintain, and update a multiyear accessibility plan;
11. ensure that training is provided on the requirements in accordance with AODA and the *Ontario Human Rights Code* as it relates to people with disabilities;
12. create, provide and receive information and communications in ways that are accessible for people with disabilities in accordance with the Information and Communications Standards;
13. identify, prevent and remove barriers across the employment life cycle for people with disabilities in accordance with the Employment Standard requirements, and
14. revise customer service policies to reflect changes to this standard in accordance with the Integrated Accessibility Standard.

## Further information

Questions, issues or feedback concerning AODA and/or LAO-related policies, procedures and practice can be referred the general accessibility email of [accessibility@lao.on.ca](mailto:accessibility@lao.on.ca). Feedback on accessibility can also be provided through the AODA Feedback Form, which will be available on the Accessibility page on both the LAO website and the Source. Complaints can be filed in accordance with LAO's complaints process.

# Definitions

The terms identified and defined below are intended to provide assistance in understanding and implementing requirements outlined in the *Accessibility for Ontarians with Disabilities Act*. For the purposes of the Customer Service Standard and the Integrated Accessibility Standard and applicable policies and procedures, the following definitions will apply:

- **Accessibility equipment** is intended to remove barriers for people with disabilities. Accessibility equipment includes lifting devices, power ramps, mobility aids, etc.
- **Accessibility features** are intended to remove barriers for people with disabilities. This can include signage, accessible washrooms and automated communications systems, as well as technical (e.g. software) and structural features (e.g. physical design, including hardware or product specifications).
- **Accessibility plan** describes the actions an organization will take to prevent and remove barriers, and when it will do so.
- **Accessible formats** may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by person with disabilities.
- **Accommodation** means the special arrangement made or assistance provided so that a person with disabilities can participate in experiences available to persons without disabilities. Accommodation will vary depending on a person's unique needs.
- **Amenities** are items that provide conveniences or services for use by the public. Examples include drinking fountains, benches and garbage receptacles.
- **Barriers to accessibility** are defined as anything that prevents a person with a disability from fully participating in all aspects of services. This includes, but is not limited to, a physical barrier, an architectural barrier, information or communications barrier, attitudinal barrier or a technological barrier.
- **Communication supports** may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

- **Communications** as it is used in the Information and Communications Standard refers to the interaction between two or more people or entities when information is provided, sent or received.
- **Disability** is defined, per the *Accessibility for Ontarians with Disabilities Act* and the *Human Rights Code* as:
  - a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
  - b) a condition of mental impairment or a developmental disability,
  - c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
  - d) a mental disorder, or
  - e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.
- **Guide dog** means a dog trained as a guide for a person who is blind and having the qualifications prescribed by the regulations of the *Blind Persons' Rights Act* and as defined in the AODA.
- **Information** as it is used in the Information and Communications Standard refers to knowledge, data and facts that convey meaning, and that exist in any format such as text, audio, digital or images and that conveys meaning.
- **Internet website** is a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public.
- **New internet website** means either a website with a new domain name or a website with an existing domain name undergoing a significant refresh.

- **Service animal** means an animal that accompanies a person with a disability:
  - a) if it is readily apparent that the animal is used by the person for reasons relating to their disability; or
  - b) if the person provides a letter from a regulated health professional confirming that the person requires the animal for reasons relating to the disability.

Examples of service animals are dogs used by people who are blind, hearing alert animals for people who are deaf, deafened or hard of hearing, and animals trained to alert an individual to an oncoming seizure and lead them to safety.

- **Support person** means, in relation to a person with a disability, another person who accompanies the person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities. This may include a paid professional, volunteer, family member or friend who will assist and support the service recipient or stakeholder.
- **Third party contractor** is defined as any person acting on behalf of, or as an agent of, LAO.