

**Customer Service Standards
Development Committee**

The Accessibility for Manitobans Act (AMA)

***Discussion Paper on an
Initial Proposed Customer
Service Standard***

**April 17, 2014
Winnipeg, MB**

The Accessibility for Manitobans Act (AMA) received Royal Assent and became law on December 5, 2013. The AMA will provide a clear and proactive process for the prevention and removal of barriers that prevent people with disabilities from full participation. Under the new legislation, accessibility standards will be developed that address barriers to accessibility that have a major impact on daily living for people with disabilities in the following five areas: Customer Service, Information and Communication, Transportation, Employment and the Built Environment. The customer service standard applies to the provincial government, the broader public sector and the private and not-for-profit sectors of Manitoba.

Accessibility standards are set out in regulations under the Act and apply to the public and private sectors in the five identified areas. The purpose of standards is to identify, prevent and remove barriers related to goods, services, facilities and other areas. Standard development will be accomplished through a process based on extensive consultations with persons with disabilities, organizations with a responsibility to eliminate barriers and the general public. The Minister has identified Customer Service as the first priority area for standard development.

The Customer Service Standards Development Committee (CS-SDC) invites your feedback on its Initial Proposed Customer Service Standard. You are invited to prepare written submissions and briefs in response to the draft standard presented below.

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The purpose of this paper is to request your advice and feedback on the Initial Proposed Customer Service Standard as developed by the

CS-SDC. Please send your comments by July 15, 2014 to ensure they are received before recommendations for a proposed Customer Service Standard is submitted to the Minister.

Background

Role of a Standards Committee

The Minister responsible for Persons with Disabilities provides leadership regarding the implementation of the AMA and the development of accessibility standards. The Minister may establish standard development committees with membership reflecting stakeholder representation and the necessary technical expertise required to develop a particular standard.

Those who must meet the standards will be consulted and invited to provide their input to achieve these standards. The goal is to allow enough time for those who have responsibilities under the standard to plan for any associated costs. Some standards may be achieved quickly with little or no cost, while others may take several years. These timelines will be set in consultation with stakeholders.

As required by the Act, standard development committees will:

- Make recommendations to the Minister regarding long-term accessibility objectives, proposed accessibility standards and implementation timeframes (taking into account technical, economic and other considerations);
- Further define the persons and organizations that are to be covered by proposed standards;
- Prepare the initial recommendations for the proposed accessibility standards for public review within specific timelines set out in the terms of reference for the committee;
- Consider the input received during the public review;

- Formally submit recommendations for proposed accessibility standards to the Minister, which may be revised if the Minister considers it appropriate;

The Minister's proposed accessibility standards will then be made available to the public for comment for a further period of 60 days. Following a review of the public's response, the Minister will recommend the accessibility standards to Cabinet, where, if approved, they will become regulations enforceable by law.

Customer Service Standards Development Committee (CS-SDC)

The Accessibility Advisory Council was appointed in the fall of 2011 by the Minister responsible for Persons with Disabilities. The Council has the responsibility under the Act to make recommendations to the Minister regarding developing accessibility standards. It is made up of members of the disability community and other affected stakeholders, including representatives of business and municipalities. As customer service is the first standard to be proposed, the Minister agreed that it should assume the role of the CS-SDC, where it will apply its extensive understanding of the legislation and continue to represent key stakeholder groups.

Defining Customer Service

Accessing services is an activity that most of us take for granted, yet it can present significant challenges for the province's 200,000 persons with disabilities. Apart from obvious physical obstacles, there are often non-physical or invisible and non-evident barriers that compound this difficulty. Unintentionally, service providers and their employees may build barriers against people with disabilities based on their attitudes or lack of awareness.

The following are examples of ways to provide accessible services to persons with disabilities:

- Organizations eliminate any unnecessary eligibility rules or requirements, such as a driver’s license as the only means of identification. This removes a barrier for some individuals with disabilities who do not drive or are not able to drive because of their disability.
- Businesses review their policies and procedures for serving customers and change those that exclude or limit participation by persons with disabilities.
- Local restaurants and retail stores ensure that background music is not too loud to impose a barrier for persons with disabilities who are hard of hearing and who could have difficulty communicating with friends and family.
- A museum provides a guide written in plain language to its exhibits so that the information is accessible to visitors with learning disabilities.
- A large supermarket has parking spaces close to the entrance for customers with disabilities. In addition, the supermarket offers a carry-to-car service for customers with disabilities who are unable to carry their shopping themselves.

It’s about understanding that people with disabilities may have different needs. It can be as easy as asking “How can I help?” and making small changes to how you serve customers with disabilities. People with disabilities travel, shop, attend school and do business with their friends and families in communities across Manitoba. By learning how to serve people with disabilities, businesses may attract more customers, build customer loyalty and improve their services for everyone.

For the purposes of this standard, customer service refers to practices, processes, and interactions that lead to the fulfillment of a transaction, exchange or customer requirement or need.

Building on Ontario’s Experience with Accessibility Legislation

The Accessibility for Manitobans Act was modeled after similar legislation in Ontario: the *Accessibility for Ontarians with Disabilities Act*. In Ontario,

The Accessibility Standard for Customer Service was established in January 1, 2008 and came into force for the provincial government and the broader public sector on January 1, 2010. The regulation applied to the private and not-for-profit sector in January 1, 2012.

The proposed Customer Service Standard developed by the CS-SDC relies extensively on the Ontario Customer Service Standard. It serves as a starting point to develop a Made-in-Manitoba customer service standard. As Ontario has already made great strides in this area, Manitoba has the opportunity to learn from its successes and challenges. The Retail Council of Canada and other representatives of national corporations are supportive of accessibility legislation, but urge that there be consistency among accessibility standards across the country.

The CS-SDC has taken into account the proposed amendments by the Ontario Standards Advisory Council and the critiques of the standard put forward by its stakeholders. While the Initial Proposed Customer Service Standard considers the work of Ontario's experience as a starting point, it also considered customer service from a Manitoba perspective. The proposed standard was designed to cut across sectors and focus on the removal of non-physical barriers such as employee attitudes that could be addressed through awareness- building, training and revised business practices.

The CS-SDC is seeking input from the public for a customer service standard in Manitoba that best reflects the interests of our province and its citizens.

Initial Proposed Customer Service Standard:

General Requirements

Persons or organizations providing goods or services shall establish and maintain policies, processes and practices to deliver accessible customer

services for persons with disabilities. In establishing and maintaining policies, processes and practices, they shall:

- a) Identify barriers to accessible customer service
- b) Remove barriers to accessible customer service;
- c) Prevent the creation of barriers to accessible customer service;
- d) Provide equivalent customer service.

Persons or organizations shall provide alternative customer services until barriers are removed or equivalent service is available.

Policies on accessible customer service shall be documented and communicated to employees and volunteers. The form of the documentation and communication shall reflect the nature, size and capacity of the organization.

This proposed standard applies to all service delivery modes including, but not limited to, services provided:

- a) In person, by telephone and electronically
- b) Through an intermediary, intervener, or third party, including contractors, sub-contractors, agents and licensees; and
- c) By all personnel, whether profession, administrative, full or part-time, permanent or temporary.

1.0 Purpose and Application

1.1 The legislation applies to all organizations (public, private and non-profit) that provide goods or services either directly to the public or to other organizations in Manitoba and that have one or more employees in Manitoba.

This includes consultants, manufacturers and wholesalers as well as other businesses and professional services.

2.0 Effective Dates

2.1 The accessibility standard for customer service shall apply to the Government of Manitoba and designated public sector organizations

one year after the standard becomes a regulation and to other obligated organizations two years after the standard becomes a regulation.

Question: How long after the customer service standard becomes a regulation should organizations have before they have to be in compliance?

3.0 Establishment of Policies, Practices and Procedures

3.1 Obligated organizations must set up policies, practises and procedures on providing customer service to people with disabilities.

3.2 Business and organizations should be guided by principles of dignity, equality and inclusion in the development of these policies, practices and procedures.

Example: Business and organizations must consider ways to make sure all customers receive the same level of service. For a person whose disability affects the way she speaks or hears, this may mean exchanging information by notes in order to facilitate better communication.

3.3 Businesses and organizations must have a policy about the use of assistive devices by persons with disabilities.

Example: A clothing store would be required to provide adequate space among its aisles for a customer who uses a wheelchair or a walker.

3.4 Where businesses and organizations have equipment or devices as a means of access available on the premises to assist with the provision of goods and services to a person with a disability, such as an elevator or accessible washroom, they must ensure these are available for use in the intended manner.

Example: An accessible washroom or lift within a facility should be available and accessible, and not be used for a storage facility for cleaning supplies and/or other materials.

3.5 Businesses and organizations must communicate with a person with a disability in a manner that takes into account his or her disability.

Example: Some persons may prefer that a message is written down rather than spoken; others may prefer large print. A large print and Braille menu is an example of an organization recognizing the opportunity of creating greater customer service.

3.6 Designated public sector organizations and private and not-for-profit organizations with 20 or more employees must:

- Document in writing all their policies, practices and procedures for providing accessible customer service for persons with disabilities.
- Let customers know that these documents are available on request.

Question: In several sections throughout this paper, we propose that designated public sector organizations and private and not-for-profit organizations with 20 or more employees provide a higher standard of service. Is this a reasonable number? Is it too high or too low?

4.0 Use of Service Animals and Support Persons

4.1 In order to access goods and services, persons with disabilities may bring their service animals onto the parts of the premises open to the public and other third parties, such as delivery persons.

4.2 Persons with disabilities may be accompanied by a support person when accessing goods or services on parts of the premises open to the public or other third parties.

4.3 Persons with disabilities may enter the premises with a support person and have access to the support person at all times on the premises.

4.4 Persons with disabilities may be accompanied by a support person only if the support person is necessary to protect the health or safety of the person with a disability or others.

4.5 Businesses and organizations must let people know ahead of time what, if any, admission will be charged for a support person if an organization charges an admission fee.

4.6 Designated public sector organizations and private and not-for profit organizations with 20 or more employees must:

- Have a document or documents that include policies, practices and procedures on service animals and support persons.
- Let the customers know that these documents are available upon request.

In this section,

"support person" means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

"service animal" means a domestic animal that has been trained to provide assistance directly related to the disability of its owner.

Examples of work or tasks referenced above include:

- guiding a person who is blind or visually impaired;
- alerting a person who is deaf, hard of hearing and deafened;
- pulling a wheelchair;
- alerting or protecting a person who is having a seizure;
- reminding a person to take their medication;
- calming a person with Post Traumatic Stress Disorder during an anxiety attack.

5.0 Notice of Temporary Disruption

5.1 Businesses and organizations must let the public know when facilities or services that people with disabilities usually use to access their goods and services are temporarily unavailable.

5.2 The notice should include reasons for the disruption, how long it may last, and alternate facilities or services, if any, that are available.

5.3 The notice should be prominently displayed on the premises, on the provider's website, if any, or other reasonable methods.

Example: An escalator in a shopping mall suddenly breaks down. The shopping mall closes the escalator to fix it. The mall posts a notice on its website. It also puts a large sign at the bottom of the escalator and at the front entrance. The sign states the reason the escalator is closed and how long the repairs are expected to take. The sign also tells customers where they can find alternative means to access the facility they seek.

5.4 Designated public sector organizations and private and not-for profit organizations with 20 or more employees must:

- Prepare a document that includes the steps to take when there is a temporary disruption in services or facilities.
- Let the customers know that these documents are available on request.

6.0 Training for Staff

6.1 Businesses and organizations must provide training to:

- All employees, and volunteers;
- All people who participate in developing an organization's policies; and,
- All other people who provide goods, services or facilities on behalf of an organization.

6.2 Training must include a review of *The Manitoba Human Rights Code*, the *Act*, and requirements of the customer service regulation, and:

- How to interact and communicate with persons with various types of disability.

- How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.
- How to use equipment or devices available on the premises or otherwise provided by the provider that may help with the provision of goods and services to a persons with a disability.
- What to do if a person with a particular type of disability is having difficulty accessing goods and services.

6.3 Every person must be trained as soon as possible.

6.4 Organizations must provide training on any changes to accessibility policies on an ongoing basis.

6.5 Designated public sector organizations and private and not-for-profit organizations with 20 or more employees must:

- Prepare a document describing the training policy, content of the training, and when the training was provided.

7.0 Feedback Process for Providers of Goods and Services

7.1 Businesses and organizations must set up a process to receive and respond to feedback, including what action will be taken on any complaints. They must make the information about the feedback process available to the public.

7.2 The feedback process must allow feedback to be given in person, by telephone, in writing, or any other electronic means.

7.3 The feedback process must state the actions taken if a complaint is received.

7.4 Designated public sector organizations and private and not-for-profit organizations with 20 or more employees must:

- Prepare a document describing the feedback process.

- Let customers know that these documents are available on request.

8.0 Notice of Availability of Documents

8.1 Designated public sector organizations and private and not-for-profit organizations with 20 or more employees must:

- Notify customers that documents required by the customer service standard are available upon request.

8.2 The notice must be posted in a conspicuous place on the premises, on the provider's website, if any, or any other reasonable method.

9.0 Format of Documents

9.1 Provide the information to a person with a disability in a format that takes into account his or her disability.

9.2 It should be provided in an agreed upon format by the person with a disability and the provider of goods or services.

Example: A person with a disability knows what form of communication works best for them. In some cases it may mean making the information available in an alternate format, such as Braille or a CD.

10.0 Compliance

10.1 Standards will require that designated organizations subject to the standard implement those requirements within the timeline specified in the standard. The compliance measures are set out in the *Act*.

Conclusion

Accessibility legislation will provide tangible benefits to all Manitobans and will build on other efforts to advance the inclusion of persons with disabilities into all facets of society. Accessibility standards, the building blocks of the legislation, will set out long-term objectives and requirements to ensure equal access to all Manitobans, including those with a disability.

Nearly every Manitoban has a disability, knows someone with a disability, or will acquire a disability in the coming years. By eliminating barriers, all Manitobans will benefit.

How to Reach Us

The CS-SDC invites the public's views on the Initial Proposed Customer Service Standard. For more information and to submit your ideas and comments, contact:

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