

Accessibility for Ontarians With Disabilities Act, 2005, Part I: Is Your Business Subject to the Law's Customer Service Standards? The Answer May Surprise You.

July 19, 2016

By [Michael Comartin](#)

A misconception exists that the Accessibility Standards for Customer Service (usually referred to as the “customer service standards”) under Ontario’s Accessibility for Ontarians with Disabilities Act, 2005 apply only to businesses that provide goods and services directly to individual members of the public, such as restaurants, retail stores, hotels, and theatres. All too often, businesses mistakenly believe that they are not covered by the customer service standards because they “don’t offer to the public” or they only operate on a “business to business” (B2B) basis.

This is the first installment in a three-part series of articles focused on employers’ duties under Ontario’s Accessibility for Ontarians with Disabilities Act, 2005. Part one addresses the scope and applicability of the law to various businesses.

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Even businesses that do nothing other than serve other businesses, or that serve customers through indirect means, such as distributors, are likely subject to the customer service standards as long as they employ at least one employee in Ontario. The “purpose and application” section of the customer service standards states the following:

1. (1) This Regulation establishes accessibility standards for customer service and it applies to every designated public sector organization and to every other person or organization that provides goods or services to members of the public or other third parties and that has at least one employee in Ontario.

The inclusion of the term “third parties” means that even if a business only sells goods and services to other businesses, it must still comply with the regulations if it has at least one employee in Ontario. The reason for including B2B operations in the regulation is that the businesses to which a business sells goods or services may have employees with disabilities—and by complying with the customer service standards, a business will be more accessible to its customer’s employees.

An employer—with at least one employee in Ontario—that provides goods and services may find it safe to assume that its business is subject to the customer service standards.

The Toronto office of Ogletree Deakins will continue to monitor developments with respect to the Accessibility for Ontarians with Disabilities Act, 2005 and its compliance requirements. The next installment in this four-part blog series will offer tips on complying with the Accessibility for Ontarians with Disabilities Act 2005’s Accessibility Standards for Customer Service.

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TOPICS

Cross-Border, Disability Access, Hospitality, Retail