

Questions from Webinar #1: Customer Service Standard

1. Camps in Ontario are Regulated under Regulation 568. Under section seven (7) all animals onsite must have proof (on site) of current vaccinations. If an individual brings as service animal to camp, can the camp ask for the vaccination record as part of the camper's application?

Under the [Customer Service Standard](#) of the [Accessibility for Ontarians with Disabilities Act](#), 2005 (AODA), an animal is considered a service animal if:

- a. You can readily identify it through visual indicators, such as when it wears a harness or a vest; or
- b. The person provides documentation (such as a letter or form) from a **regulated health professional** that confirms they need the service animal for reasons relating to his or her disability.

In cases where a service animal may not be readily identifiable (i.e. it is not obvious by the animal's appearance or by what it is doing), an individual can provide documentation that confirms the person's need for the service animal for reasons relating to his or her disability. An organization is not permitted under the Act to require a person with a disability demonstrate how an animal provides assistance, or to ask for proof of training. Therefore, there are no requirements in place under the AODA that requires proof of vaccination from a service animal.

It is important to remember that when two laws conflict, the law that provides the greatest level of accessibility takes precedence. The AODA does not supersede any other laws

Accommodation should be a collaborative process where the camp and a potential camper can work together to decide what might be most effective and appropriate to meet the needs of the camper. You could therefore have a discussion with the potential camper about the concerns you have.

The AODA does not replace or change what organizations must do under the Ontario Human Right Code. Therefore, a provider must still comply with the Ontario Human Rights Code, which prohibits discrimination on the basis of disability in goods, services or facilities to the point of undue hardship.

2. When people say "contractors" does this include people contracted for maintenance work (ie. spring/fall projects) or contracted employees for our program delivery?

An employee for the purposes of the regulation is someone in an employee-employer relationship with an employer. Employers need to determine who is

included as an employee based on the individual situation or circumstances. Usually this will depend on whether you pay the employee wages or a salary, have control over the work assigned to the employee, and have a right to control the details of the work.

All full-time, part-time, seasonal and contract employees (i.e. contracted employees for your program delivery) in Ontario, regardless of status, must be counted when determining the number of employees an organization has. You do not include volunteers and independent contractors in the count. However, depending on the work they do for you, they may have to comply with the accessibility requirements.

Obligated organizations are responsible for ensuring that the services provided by non-employees on their behalf follow the accessibility requirements and may need to ensure these individuals are trained.

3. I have a question regarding support workers/persons. What is the standard regarding requesting them for a Vulnerable Sector screen? Ultimately the safety of all campers is priority, not just the one child with the worker. Can I require support workers (or anyone accompanying the child to camp) to provide me with a Vulnerable Sector screen?

A person with a disability is permitted to bring their support person with them to any area of your premises that is open to the public. They do not need to present any form of documentation to prove their need for a support person to accompany them. **OCA's Year-round Standards requires a Criminal Record Check for paid staff, volunteers, people working with children at camp, (also review HR.2.10.) HR.2.8. "Does the camp request a Criminal Record Check form each new staff member before commencement of Employment?"

In keeping with the spirit and intent of the Accessibility for Ontarians with Disabilities Act (AODA), we would encourage your organization to treat all persons with disabilities with the utmost dignity and accord them the highest level of accessibility which is possible in the circumstances in accordance with the organizations obligations under the AODA, and to confer with the person on the most appropriate supports that can be offered in accessing your goods, services or accommodations.

The Directorate advises organizations to consult their legal counsel on their specific obligations on matters pertaining to compliance with AODA regulations.

Accommodation should be a collaborative process where the camp and a potential camper can work together to decide what might be most effective and appropriate to meet the needs of the camper. You could therefore have a discussion with the potential camper about the concerns you have.

4. What makes an animal a Support Animal? Is documentation needed? What is to prevent someone claiming their pet is a support animal?

- Under the [Customer Service Standard](#) of the [Accessibility for Ontarians with Disabilities Act](#), 2005 (AODA), an animal is considered a service animal if:
 - You can readily identify it through visual indicators, such as when it wears a harness or a vest; or
 - The person provides documentation (such as a letter or form) from a **regulated health professional** that confirms they need the service animal for reasons relating to his or her disability.

Under the Standard there are no restrictions on what type of animal can be used as a service animal. There are various types of service animals besides guide dogs that support people with various types of disabilities, such as: vision loss, hearing loss, Epilepsy, autism, physical disabilities and mental health disabilities. Therefore, if the therapy dog is certified by a health professional, it is considered a service animal.

Unless there is a reason by law that the service animal may be excluded from the premises then the service dog must remain with the person with a disability. It would be the organizations operational decision as to whether the conduct of the service animal is such that there are grounds by law to exclude the service animal from the premises. However, if the decision is made to exclude the service animal then the organization must still take steps to make sure that they can provide their services to the person with a disability.

In situations where another person's health and safety could be seriously impacted by the presence of a service animal on premises open to the public, a service provider should fully analyze all options for safely allowing the service animal. Some of the options to consider, where possible, may be creating distance between staff attending to the person with the disability and the service animal, limiting in-person contact, and any other measures that would allow the person to use their service animal on the premises.

The AODA does not however have standards in regards to the behaviour of a service animal.

A useful resource to further understand the AODA, as it pertains to service animals, is the [Service Animal Guide](#) developed by the Council of Ontario Universities. You may also want to look at the [Service Animals in Ontario](#) fact sheet developed by the Ontario Restaurant Hotel & Motel Association.