

COST AND BENEFITS OF ACCESSIBLE CUSTOMER SERVICE

The cost and benefits to providing accessible customer service far outweigh the penalties.

BY MOIRA WALLACE BA, MA, LLB

In March's issue, I explained the importance of Customer Service Standards mandated by the Accessibility for Ontarians with Disabilities Act, 2005. Businesses with more than one employee, which provide goods or services to the public or third parties, must have policies, practices and procedures in place starting January 1, 2012. But what if a business doesn't get its act together? The AODA allows inspections, issuance of orders and imposition of administrative penalties and/or fines to ensure compliance.

Inspectors will have the ability to enter any business premises, where they believe documents or things exist to confirm compliance with the AODA and its standards. Consent is needed where the business operates out of a home. Expect inspectors to show up during daylight or regular business hours.

They have the power to access any data storage or system containing relevant documents or records and to question any person on the premises. Whether the inspection is being done as a result of a complaint or general compliance search, inspectors looking for specific items must have a written request for those items. Your business and employees must comply and give inspectors access to any data system that houses the information.

If a business doesn't comply with an inspector's request, the AODA or its standards, a warrant to



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gain access to the premises and specific documents can be issued. The warrant authorizes the use of reasonable force and may name persons with special, expert or professional knowledge to help with the investigation.

Orders will be issued after an organization has received written notice of its failure to submit reports or to comply with the AODA and its standards. The order explains what must be done to

comply with it and offers the business an opportunity to explain its non-compliance. It may also include an administrative penalty, meant to encourage future compliance, recover costs of enforcing the AODA and prevent organizations from gaining an economic benefit from contravention. Penalty amounts have not yet been determined. The company may appeal an order within 15 days.

The cost and benefits to providing accessible customer service far outweigh the penalties. Almost 1.85 million people in Ontario have a disability, which is expected to rise as our population ages. Canadians with disabilities annually spend \$25-billion on products and services. It makes economic sense to have an accessible business in which persons with disabilities can and will want to spend their money.

On the other hand, failure to be accessible, providing false information or obstructing an inspector can result in a fine for each day an organization breaks the law. Corporate fines may be up to \$100,000 and personal fines up to \$50,000. If you are a director or officer of an organization, you have a duty to prevent your business from committing an offence. If not, you could be personally fined up to \$50,000 for every day of non-compliance.

Customer accessibility standards under the AODA are and mean business. Make sure your organization takes it seriously and implements policies, practices and procedures to comply with those standards. Failing to do so may cost your business, on more than one level. For tips on drafting policies and procedures register at www.wallacelaw.ca. **BL**

For more information please contact Moira Wallace BA, MA, LLB, Chief Loophole Advisor and Notary Public at 905.575.0732, email moira@wallacelaw.ca or visit Moira's website at www.wallacelaw.ca.

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Close the gap between knowing and doing

Continued from page 1

Once I realized my problem, I resolved that I would deliver the finished book as a Christmas present to my immediate friends and family on Christmas Day 2008. Now that was an immovable deadline! In order to hit the goal, I had to send the manuscript to the publisher on November 4, 2008. Instantly, I was motivated to get writing. I had resolved that whatever condition the book was in, it was getting emailed on time! Whether it had spelling mistakes, run-on sentences or even entire sections missing, off it would go! My perfectionism now served to motivate me to get typing!

Make a decision to take action on the thing you've been putting off. I invite you to take a baby step and email me your goal at cj@cjalvert.com. Sometimes, the smallest amount of public accountability is all it takes to close the gap between knowing and doing! **BL**

CJ Calvert is a motivational speaker, author of "Living an Exceptional Life" and President of Calvert Training, the motivational arm of Shepell-FGI.