

# Accessible Customer Service Policy

OFFICE OF THE CHIEF ELECTORAL OFFICER  
ELECTIONS ONTARIO

January 2010

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### Section 1: Explanatory Note

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Elections Ontario is a non-partisan agency of the Legislative Assembly of Ontario which, under the direction of the Chief Electoral Officer and in compliance with the *Election Act* and the *Election Finances Act*, administers provincial elections, by-elections and referenda.

There are a number of provisions in the *Election Act* that reference the provision of services to electors with disabilities. The *Election Act* has been amended to include the following provisions which relate to the accommodation of electors with disabilities:

- Section 4.1 allows the Chief Electoral Officer greater ability to test alternative voting methods and equipment for by-elections. This allows for improvements that can impact accessibility. Improvements that can impact accessibility for a general election would require legislative amendments.
- Section 13(3.3) clarifies the application of the *Human Rights Code* and *Accessibility for Ontarians with Disabilities Act, 2005* in the selection of polling places.
- Section 44(2) increases the number of advance poll days for regularly scheduled general elections.
- Section 55 permits the use of a friend to assist in marking the ballot.
- Section 67.1 formally requires the Chief Electoral Officer to survey electors after each general election to determine if they experienced any barriers in voting at the election and to include results in the annual report that is to be made under section 114.3.

The *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA") is a provincial Act with the purpose of developing, implementing and enforcing accessibility standards in order to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises.

Under the AODA, Ontario Regulation 429/07 entitled "Accessibility Standards for Customer Service" came into force on January 1, 2008. This Regulation establishes accessibility standards specific to customer service for public sector organizations and other persons or organizations that provide goods and services to members of the public. Designated public sector organizations, including Elections Ontario, must comply with this standard as of January 1, 2010.

This policy addresses the specific requirements of the Act. This policy follows the language and order of the Accessible Customer Service Standard. The detail regarding particular services is described in the Accessible Customer Service Standard - Procedures.

### Section 2: Purpose

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This policy is drafted in accordance with the Accessibility Standards for Customer Service (Ontario Regulation 429/07) and addresses the following:

- the provision of goods and services to persons with disabilities;
- the use of assistive devices by persons with disabilities;
- the use of service animals by persons with disabilities;
- the use of support persons by persons with disabilities;
- notice of temporary disruptions in services and facilities;
- training;
- customer feedback regarding the provision of goods and services to persons with disabilities;
- and
- notice of availability and format of documents.

This policy is supported by procedures which outline the detailed processes and accommodations pursuant to this policy. The supporting procedures include the following:

- Procedures for the Use of Assistive Devices
- Procedures for the Use of Service Animals
- Procedures for the Use of Support Persons
- Procedures for Providing Notice of Temporary Disruptions
- Procedures for Receiving Feedback

### Section 3: Principles

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Elections Ontario adopts the principles outlined in the *Accessibility for Ontarians with Disabilities Act, 2005* as part of our vision of setting the standard for electoral process excellence.

Elections Ontario recognizes the history of discrimination against persons with disabilities in Ontario, and the fundamental importance of developing, implementing and enforcing standards in order to achieve accessibility for Ontarians with disabilities with respect to the goods and services it provides.

### Section 4: Definitions

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- a) **Accommodation** means the special arrangement made or assistance provided so that customers with disabilities can participate in the experiences available to customers without disabilities. Accommodation will vary depending on the customer's unique needs.

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- b) **Assistive device** means a technical aid, communication device, or medical aid modified or customized, that is used to increase, maintain, or improve the functional abilities of people with disabilities.
- c) **Customer** means a person to whom Elections Ontario provides goods and services and those who access facilities for the purpose of conducting business with Elections Ontario, including elected officials or agents. This definition excludes those who perform duties for Elections Ontario, or on behalf of Elections Ontario such as staff, or volunteers.
- d) **Disability** means:
  - i) 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 co-ordination, 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;
  - ii) a condition of mental impairment or a developmental disability;
  - iii) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
  - iv) a mental disorder; or
  - v) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.
- e) **Elector** means a person who is entitled under the *Election Act* to vote at an election to the Assembly. A person is entitled to vote if they are, on the general polling day, 18 years of age, a Canadian citizen, resident in the electoral district and not disqualified under the *Election Act* or otherwise prohibited by law from voting.
- f) **Guide dog** means a dog trained as a guide for a blind person, as defined in section 1 of the *Blind Persons Rights' Act*, and having qualifications prescribed by the regulations under that Act.
- g) **Service animal** means an animal used by a customer with a disability for reasons relating to the disability where it is readily apparent that the animal is used by the customer for reasons relating to the disability; or where the customer provides a letter from a physician or nurse confirming that the customer requires the animal for reasons relating to the disability; or where the customer provides a valid identification card or training certificate from a recognized guide dog or service animal training school.
- h) **Support person** means a person who accompanies a customer with a disability in order to assist them with communication, mobility, personal care, or medical needs or with access to goods or services.

- i) **Voter** means an elector who has appeared at a polling place and has accepted a ballot for marking which has been placed in the ballot box or has declined their ballot and has so declared.

### Section 5: Scope

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- (1) This policy applies to all persons who deal with members of the public or other third parties on behalf of Elections Ontario, whether the person does so as an employee, agent, volunteer, contractor, consultant or otherwise and all persons who participate in developing Elections Ontario's policies, practices and procedures governing the provision of goods and services to members of the public or other third parties.
- (2) Where the policy refers to Elections Ontario it includes Returning Officers, Returning Office staff and poll officials.
- (3) The policy applies to event as well as day-to-day election administration.

### Section 6: Mandatory Requirements

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#### *Communication with Customers with Disabilities*

- (1) When communicating with a customer with a disability, Elections Ontario will do so in a manner that takes into account the customer's disability.
- (2) In polling places this includes the provision of documents and information in alternate formats where possible and where practical, i.e. where facilities exist to meet needs within given timeframes, and/or when it is feasible to provide such alternates.

#### *The Provision of Goods and Services to Customers with Disabilities*

- (3) Within the requirements of the *Election Act* and *Election Finances Act*, Elections Ontario will use reasonable efforts to ensure that the provision of its goods and services are consistent with the following principles:
  - a) Elections Ontario's goods and services are provided in a manner that respects the dignity and independence of customers with disabilities;
  - b) the provision of Elections Ontario's goods and services to customers with disabilities are integrated with those provided to customers who do not have disabilities unless an alternative measure is necessary to enable a customer with a disability to obtain, use or benefit from Elections Ontario's goods or services;

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- c) customers with disabilities are given an opportunity equal to that of customers without disabilities to obtain, use or benefit from Elections Ontario's goods and services.

### *Assistive Devices*

- (4) A customer with a disability may use their own assistive device, at their own pace, for the purpose of obtaining, using and benefiting from Elections Ontario's goods and services.
- (5) There may be situations where the use of an assistive device is not possible. In these situations, Elections Ontario may offer a customer with a disability other measures to assist them in obtaining, using and benefiting from Elections Ontario's goods and services. Other measures may include providing services in another location, or in another way, as permitted by the *Election Act*, that takes into consideration the person's abilities.

### *Service Animals*

- (6) Where Elections Ontario provides goods and services, customers with a disability may enter premises owned and/or operated by Elections Ontario, accompanied by a service animal and may keep the service animal with them if the public has access to such premises and the service animal is not otherwise excluded by law.
- (7) If a service animal is excluded by law, Elections Ontario will use reasonable efforts to ensure that alternate means are available to enable the customer with a disability to obtain, use or benefit from Elections Ontario's goods and services.
- (8) For greater certainty, where otherwise permitted by law, service animals are allowed into polling places.
- (9) It may be "readily apparent" that an animal is a service animal if the animal is identified with a harness, "service animal" coat or leash or other identifier; or that the animal is clearly providing services to persons with disabilities. If it is not readily apparent that the animal is a service animal, Elections Ontario staff may ask the customer with a disability for a letter from a physician or nurse confirming that the customer requires the service animal for reasons relating to their disability.
- (10) The customer may as an alternate to the letter, provide a valid identification card or training certificate from a recognized guide dog or service animal training school. (i.e. a dog trained as a guide for a blind person and having qualifications prescribed by the regulations under the *Blind Persons Rights' Act*, a Hearing Ear Dog or Special Skills Dog as qualified by the Lions Foundation of Canada.)
- (11) It is the responsibility of the customer with a disability to keep their service animal in control at all times.

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### *Support Persons*

- (12) In compliance with requirements under the *Election Act*, Elections Ontario, where it provides goods and services, will ensure that a customer with a disability may enter premises owned and/or operated by Elections Ontario with a support person and have access to their support person while on the premises.
- (13) Under section 55 of the *Election Act*, the elector, after making an application and taking an oath/affirmation with respect to his/her inability to vote without assistance due to reading or other disability, can request “a friend” to accompany the elector to the voting screen and mark the elector’s ballot for him/her.
- (14) The friend must first take an oath/affirmation that he/she will keep secret the name of the candidate for whom the ballot was marked.
- (15) The friend can only support one elector at any polling place. A friend can support more than one elector under section 14 in prescribed polling places including a hospital, psychiatric facility, home for the aged, nursing home or other institution of 20 beds or more in which chronically ill or infirm persons reside, a retirement home of 50 beds or more, or an institution for the “reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or are disabled).
- (16) Where a fee is charged for admission to an event, service or in connection with the customer’s presence on the premises, Elections Ontario will provide advanced notice of the amount, if any, charged to the support person.

### *Notice of Temporary Disruptions in Services and Facilities*

Elections Ontario is aware that the operation of certain services and facilities is important to customers with disabilities. However, temporary disruptions in services and facilities may occur due to reasons that may or may not be within Elections Ontario’s control or knowledge.

- (17) Elections Ontario will make reasonable effort to provide notice of the disruption to the public, including information about what service is being disrupted, the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if any, that may be available.
- (18) Elections Ontario will make reasonable effort to provide prior notice of planned disruptions, recognizing that in some circumstances such as in the situation of an unplanned temporary disruption, advance notice will not be possible. In such cases, Elections Ontario will provide notice as soon as possible.
- (19) When temporary disruptions occur to Elections Ontario’s services and/or facilities used by customers with disabilities, Elections Ontario will provide notice by posting the information in visible places, or on Elections Ontario’s website, or by any other method that may be reasonable under the circumstances, as soon as possible. The Notice of Disruption

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process as outlined would not differ from that currently carried out under the *Election Act* notice provisions.

- (20) Under section 40(4) of the *Election Act*, if polling at a voting place does not begin at the proper time or is interrupted during the polling hours, the Returning Officer is required to immediately advise the Chief Electoral Officer of the delay, interruption and the reason. The Chief Electoral Officer, under s. 40(5), then has the discretion to either extend the poll closing time or resume the polling at the usual time on the following day and continue it from day to day if necessary to ensure that the poll is open with free access to the electors for a total of 12 hours.

### *Training*

- (21) Elections Ontario will ensure that all persons to whom this policy applies receive training as required by the Accessibility Standards for Customer Service.
- (22) The frequency and format of training will be tailored to suit each person's interactions with the public and their involvement in the development of policies, procedures and practices pertaining to the provision of goods and services.
- (23) The content of the training will include, but is not restricted to the following:
- a) a review of the purpose of the AODA;
  - b) a review of the requirements of the Accessibility Standards for Customer Service;
  - c) how to interact and communicate with customers who have various types of disabilities;
  - d) how to interact with customers with disabilities who require the assistance of assistive devices, service animals, or support persons;
  - e) how to use assistive devices or equipment provided by Elections Ontario that may help customers with disabilities to access Elections Ontario's goods and services;
  - f) what to do if a customer with a disability is having difficulty accessing Elections Ontario's goods and services; and
  - g) instruction on Elections Ontario's policies, procedures and practices pertaining to the provision of goods and services to customers with disabilities.
- (24) Training will be provided as soon as practicable and on an on-going basis as changes are made to Elections Ontario's policies, procedures and practices governing the provision of goods and services to customers with disabilities and to the assistive devices or equipment made available by Elections Ontario.

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- (25) Elections Ontario will maintain records of the required training. These records will include the number of individuals trained and the dates on which training occurred. The names of individuals trained will be recorded for administration purposes.

### *Feedback*

- (26) Elections Ontario is committed to providing high quality goods and services to the public it serves. Feedback from the public is welcomed as it may identify areas that require change and encourage continuous service improvements.
- (27) Feedback from a member of the public about the delivery of goods and services to customers with disabilities may be given by telephone, in person, in writing, in electronic format or through other methods.
- (28) Information about the feedback process will be available to the public and notice of the process will be posted on Elections Ontario's website and at all locations.

### *Notice of the Availability of Documents*

- (29) Notice of the availability of all documents required by the Accessibility Standards for Customer Service will be posted on Elections Ontario's website, available in print formats, and other reasonable methods.

### *Availability and Format of the Documents Required by the Accessibility Standards for Customer Service*

- (30) All documents required by the Accessibility Standards for Customer Service are available upon request, subject to the Elections Ontario's privacy policy.
- (31) When providing a document to a customer with a disability, Elections Ontario will provide the document, or the information contained in the document, in a format that takes the customer's disability into account.

## Accessible Customer Service Policy

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Identification Name	Accessible Customer Service Policy
Effective Date	January 1, 2010
Date Last Amended	
Date of Next Review	
Contact Officer	Loren Wells Deputy Chief Electoral Officer Tel: 416-326-6387/1-866-668-2236 Email: <a href="mailto:Loren.wells@electionsontario.on.ca">Loren.wells@electionsontario.on.ca</a>
Supporting Documentation	Returning Office Accessibility Checklist Returning Officer's Report on Accessibility Elections Ontario Outreach Program 2007 for Electors with Disabilities DRO and Poll Clerk Manual Oral Oaths or Affirmations