THE ACCESSIBILITY FOR MANITOBANS ACT

(C.C.S.M. c. A1.7)

**Customer Service Standard Regulation**

Regulation 171/2015

Registered October 19, 2015

TABLE OF CONTENTS

Section

1 Definitions

2 Meaning of accessible customer service

3 Application and phase-in of obligations

4 Barrier-free access to goods and services

5 Communications

6 Assistive devices

7 Support persons

8 Service animals

9 Built environment

10 Feedback re accessible customer service

11 Documentation re measures, etc.

12 Compliance

13 Training for staff

14 Documentation re training

15 Accessibility of public events

16 Coming into force

INTRODUCTORY PROVISIONS

**Definitions**

**1** The following definitions apply in this regulation.

**"Act"** means *The Accessibility for Manitobans Act*. (« *Loi* »)

**"service animal"** means a service animal as defined in *The Human Rights Code*. («animal d'assistance »)

**"support person"** means, in relation to a person who is disabled by a barrier, a person who accompanies the person to

1. support the person obtaining, using or benefiting from a good or service provided by an organization; or
2. assist the person in addressing his or her communication, mobility, personal care or medical needs. (« personne de confiance»)

**Meaning of accessible customer service**

**2** For the purpose of this regulation, accessible customer service is provided when all persons who are reasonably expected to seek to obtain, use or benefit from a good or service have the same opportunity to obtain, use or benefit from the good or service.

**Application and phase-in of obligations**

**3** The following organizations are subject to sections 4 to 15 at the following times;

1. on the day that is one year after the coming into force of this regulation, a department of the government;
2. on the day that is two years after the coming into force of this regulation,

(i) a government agency as defined in section 1 of The Financial Administration

Act,

(ii) a university and a college as defined in section 1 of The Advanced Education

Administration Act,

(iii) a regional health authority established under The Regional Health Authorities Act,

(iv) The City of Winnipeg and a municipality that is a city, as listed in Schedule A of the Municipal Status and Boundaries Regulation, Manitoba Regulation 567/88R,

and

(v) a school division and a school district established under The Public Schools Act;

(c) on the day that is three years after the coming into force of this regulation, any other organization subject to the Act that

(i) provides goods or services directly to the public or to another organization in

Manitoba, and

(ii) has one or more employees in Manitoba.

MEASURES, POLICIES AND PRACTICES

**Barrier-free access to goods and services**

**4(1)** An organization must establish and implement measures, policies and practices respecting barrier-free access to the goods or services it provides.

**4(2)** In establishing and implementing its measures, policies and practices, an organization must

1. identify barriers to accessible customer service that exist respecting the goods or services it provides;
2. seek to remove the existing barriers it is responsible for, so that all persons reasonably expected to seek to obtain, use or benefit from the good or service can do so using the same means;
3. ensure that a fee or charge relating to accommodating a person who is disabled by a barrier is imposed only if the organization cannot reasonably accommodate the person otherwise;
4. if an existing barrier cannot reasonably be removed, seek to ensure that persons who are disabled by the barrier are provided access to the good or service by alternate means, whether on a temporary or permanent basis; and
5. seek to prevent new barriers from being created.

**4(3)** An organization's actions must be consistent with the purposes and principles of the Act and its obligations — including the obligation to make reasonable accommodations — under The Human Rights Code.

**Communications**

**5** In its measures, policies and practices under section 4, an organization must make reasonable efforts to ensure that, when communicating with a person who self-identifies as being disabled by a barrier, the communication is done in a manner that takes into account the barrier.

**Assistive devices**

**6** An organization's policies under section 4 must recognize that a person who is disabled by a barrier may use assistive devices to remove or reduce the barrier, and the measures and practices that the organization implements must reasonably accommodate the use of those devices.

**Support persons**

**7(1)** An organization's policies under section 4 must recognize that a person who is disabled by a barrier may be accompanied by a support person when seeking to obtain, use or benefit from the organization's good or service.

**7(2)** If the organization provides its goods and services at a particular premises, its measures and practices under section 4 must recognize that

1. the person disabled by a barrier and his or her support person ought to be permitted to enter the premises together; and
2. the person disabled by the barrier ought to be able to have access to the support person at all times while on the premises.

**7(3)** If a support person is required to pay an amount to be admitted to or present at its premises, the organization must ensure that advanced notice is given of the amount payable in respect of the support person, if any.

**Service animals**

**8** An organization's policies under section 4 must recognize that a person who is disabled by a barrier may be accompanied by a service animal when he or she seeks to obtain, use or benefit from the organization's good or service.

**Built environment**

**9(1)** An organization must ensure that its measures, policies and practices under section 4 include a requirement that (a) any aspect of its built environment intended to facilitate barrier-free access to the goods or services it provides are available for use in the intended manner; and

1. any aspect of its built environment intended to facilitate barrier-free access to the goods or services it provides are available for use in the intended manner; and
2. if such an aspect is unavailable for use, notice of the following be given:

(i) the reasons why the aspect is unavailable and an estimate of when the unavailability will cease,

(ii) details of alternate means, if any, available to access the organization's goods or services.

**9(2)** An organization's policies must provide that a notice under subsection (1) be prominently displayed on the applicable premises and on the organization's website, if any, or be given by other means that are reasonable in the circumstances.

**Feedback re accessible customer service**

**10**  In its measures, policies and practices under section 4, an organization must make reasonable efforts to ensure that it provides a process for

(a) receiving and responding to feedback about the accessibility of its goods or services in a manner that is appropriate in the circumstances and is suitable for persons who are disabled by barriers; and

(b) documenting its resulting actions, and making that documentation available on request.

**Documentation re measures, etc.**

**11(1)** Subject to subsection (4), an organization must

1. document the measures, policies and practices it establishes and implements under section 4, and must provide a copy of the documentation on request; and
2. provide notice that the documentation is available on request.

**11(2)** The notice under clause (1)(b) must be prominently displayed on the applicable premises and on the organization's website, if any, or be given by other means that are reasonable in the circumstances.

**11(3)** If the documentation is requested by a person who is disabled by a barrier, the organization must ensure that the documentation or the information contained in it is given to the person

1. in a manner that takes into account the barrier; and
2. within a reasonable time and at no cost to the person.

**11(4)** An organization that is subject to this regulation by operation of clause 3(c) is subject to this section only if it has 20 or more employees in Manitoba.

**Compliance**

**12**  An organization must comply with the measures, policies and practices that it establishes and implements under section 4.

TRAINING

**Training for staff**

**13(1)** An organization must ensure that training about accessible customer service is or has been provided to the following persons:

1. a person who provides goods or services directly to the public or to another organization in Manitoba on behalf of the organization, including employees, agents and volunteers;
2. a person who participates in or is responsible for the development or implementation of the organization's measures, policies and practices under section 4.

**13(2)** The training must include

1. instruction about

(i) how to interact and communicate with persons disabled by barriers,

(ii) how to interact with persons disabled by barriers who use an assistive device or require the assistance of a support person or service animal,

(iii) how to use any equipment or assistive devices that may be available to assist persons disabled by barriers, and

(iv) what to do if a person disabled by a particular barrier is having difficulty accessing a good or service; and

1. a review of *The Human Rights Code*, the Act and this regulation.

**13(3)** An organization must ensure that

1. training is provided to a person as soon as reasonably practicable after the person is assigned the applicable duties; and
2. on-going training is provided in connection with changes to the organization's measures, policies and practices respecting providing barrier-free access to the goods or services it provides.

**Documentation re training**

**14(1)** Subject to subsection (2), an organization must document its training policy, including a summary of the content of the training and when training is to be provided.

**14(2)** An organization that is subject to this regulation by operation of clause 3(c) is subject to subsection (1) only if it has 20 or more employees in Manitoba.

PUBLIC EVENTS

**Accessibility of public events**

**15(1)** An organization that holds a public event must take reasonable measures to ensure that

1. notice of the event is given in a manner that is accessible to persons disabled by barriers;
2. the event is held in a meeting space that is accessible;
3. the physical and communication needs of persons disabled by barriers are met on request; and
4. notice is given that persons disabled by barriers may request that relevant supports be provided.

**15(2)** In subsection (1), a "**public event**" includes a public meeting, a public hearing and a consultation process required under an enactment.

**15(3)** An organization that is subject to this regulation by operation of clause 3(c) is not subject to this section.

COMING INTO FORCE

**Coming into force**

**16** This regulation comes into force on

November 1, 2015, or on the day it is registered under *The Statutes and Regulations Act*, whichever is later.