

**The Accessibility for  
Manitobans Act, 2013**

**Customer Service  
Accessibility Standards  
Development Committee**

**TERMS OF REFERENCE**

February, 2014

Minister Responsible for Persons with Disabilities  
Disabilities Issues Office

## **1. Purpose:**

A standards development committee is established under *The Accessibility for Manitobans Act, 2013*, to be known as the Customer Service Accessibility Standards Development Committee (committee). The Minister has prepared and made public these Terms of Reference for the committee.

The purpose of these Terms of Reference is to direct and guide the committee in carrying out its roles and responsibilities.

## **2. Mandate**

The Customer Service Accessibility Standards Development Committee will develop and provide the Minister with recommendations for a proposed Customer Service Accessibility Standard.

The proposed Customer Service Accessibility Standard should address barriers to accessibility for those most affected by the prevention and removal of barriers in the area of customer service in Manitoba.

Barriers that are identified in the standards development process should be those that are common across the broadest range of Manitoba industries and sectors of the economy or classes of persons or organizations that provide customer service.

Under the *Act*, “barrier” means anything that interacts with a person who has a physical, mental, intellectual or sensory disability in a way that may hinder that person’s full and effective participation in society on an equal basis.

The proposed standard may identify actions to address barriers and could include business practices and ways to build awareness and knowledge on identifying and meeting the customer service needs of persons with disabilities.

An accessibility standard may:

- Prescribe the persons or organizations that are subject to the standard;
- Set out measures, policies, practices or other requirements for
  - Identifying and removing barriers , and
  - Preventing barriers from being established; and
- Require the persons or organizations that are subject to the standard to implement those measures, policies, practices or other requirements within the time periods specified in the standard.

The committee must consider:

- The nature of the barriers that the measures, policies, practices, or other requirements are intended to identify, prevent or remove;
- Any technical and economic considerations that may be associated with implementing the standard.

In preparing its recommendations, the committee must consult with:

- Persons disabled by barriers or representatives from organizations of persons disabled by barriers;
- Representatives of those engaged in the activity or undertaking, or representatives of the sector or the persons or organizations, that may be subject to the proposed accessibility standard;
- Other representatives of the government and the boards, commissions and agencies of the government that have responsibilities relating to the activity or undertaking, sector or persons or organizations that may be made subject to the proposed accessibility standard; and
- Any other persons or organizations that the Minister considers advisable.

### **3. Guiding Principles:**

The committee must have regard for the following principles in carrying out its mandate:

- **Access:** Persons should have barrier-free access to places, events and other functions that are generally available in the community;
- **Equality:** Persons should have barrier-free access to those things that will give them equality of opportunity and outcome;
- **Universal design:** Access should be provided in a manner that does not establish or perpetuate differences based on a person's disability;
- **Systemic responsibility:** the responsibility to prevent and remove barriers rests with the person or organization that is responsible for establishing or perpetuating the barrier.

#### 4. Committee Roles and Responsibilities:

The committee will:

- Consider the full range of disabilities in identifying barriers in the provision of customer service in Manitoba and develop a proposed Customer Service Accessibility Standard to address those barriers.
- To the extent possible, provide that all materials produced by the committee, whether written or otherwise, that are to be shared with the public, are clear and in plain language, concise, logical and unambiguous. Such materials include committee summary of discussions, progress reports and the proposed Customer Service Accessibility Standard.
- Abide by these Terms of Reference, any direction the Minister may issue, and the *Act* as it relates to the committee's roles and responsibilities.
- Review and consider all information, material and guidance provided by the Minister to assist the committee in its work.
- Develop a proposed Customer Service Accessibility Standard:
  - Set out the requirements for the identification, removal and prevention of barriers with respect to customer service in areas of provincial jurisdiction that may include but not necessarily be limited to :
    - Training gaps in the delivery of customer service to persons with disabilities; and
    - Actions to address barriers and gaps including business practices and ways to build awareness and knowledge on identifying and meeting the customer service needs of people with disabilities.
  - Identify the persons or organizations required to implement the requirements.
  - Specify dates by which requirements should be implemented.
- Prepare a proposed Customer Service Accessibility Standard for public viewing 60 days prior to commencing public consultations.
- Following public consultations of the proposed standard, finalize the proposed standard by:
  - Considering the comments received during the public review,
  - Making any changes the committee considers advisable, and
  - Submitting the proposed standard to the Minister.

## 5. Membership

As this is the first standards development committee, the Council, which has developed an extensive understanding of the legislation and is comprised of representatives of the sectors and organizations who may have obligations under the proposed Customer Service Standard, will serve as the Customer Service Standard Committee.

The representatives are:

- Jan Sanderson, Chairperson
- Jim Derksen, Council of Canadians with Disabilities, Vice-Chairperson
- Yvonne Peters, Chairperson of the Manitoba Human Rights Commission
- Eileen Clarke, Association of Manitoba Municipalities
- Diane Driedger, Assistant Professor of Disability Studies at the University of Manitoba
- Jim Baker, Manitoba hotel Association
- Scott Jocelyn, Manitoba Restaurant and Foodservices Association
- Lanny McInnes, Retail Council of Canada
- Doug Momotiuk, Manitoba Deaf Association
- Diane Scribe Niiganii, Aboriginal Advocate
- Judy Redmond, City of Winnipeg Universal Design Coordinator
- Dave Schellenberg, Manitoba Council on Aging
- Nicole Chammartin, Canadian Mental Health Association

The Customer Service Development Committee will be required to achieve consensus on committee decisions that fulfill the Terms of Reference. Consensus means substantial agreement of members, without persistent opposition, by a process taking into account the views of all members in the resolution of disputes. Unanimous decisions are not necessarily required to achieve consensus.

As explicitly stated in the *Act*, in attempting to achieve a consensus among its members on the recommendations, one or more members may submit separate recommendations if a consensus is not achieved.

## **6. Chair**

The Minister will assign an experienced Senior Management individual from the Civil Service to chair committee proceedings. The Chairperson of the Accessibility Advisory Council will perform this role in the absence of the Chair.

## **7. Chair Responsibilities**

In carrying out his or her duties, the Chair will:

- a) Not vote in the decisions of the committee;
- b) Act in an impartial manner and be non-partisan;
- c) Encourage the balanced analysis of all relevant issues and questions for a variety of perspectives;
- d) Determine when a consensus is reached;
- e) Record in writing any declared conflict of interest and provide to the Minister;
- f) Verify that minutes of the meetings are accurately recorded
- g) Monitor the work of the committee, and sub-committees if any, against the requirements of the Act, these Terms of Reference, with a view to keeping it on track to meet timelines.

## **8. Structure**

Meetings will be approximately two hours or as required and will be held every three weeks from February 2014 to July 2014.

Meetings will be facilitated by the chairperson, or in the absence of the chairperson, the vice-chairperson. Administration and coordination support will be provided by the Disabilities Issues Office, with staff from the Department of Finance available to support the work of the committee.

## **9. Sub-Committees**

The minister may approve the formation of sub-committees of the committee. The committee may make recommendations to the Minister for Sub-committees to provide advice to the committee on certain matters under consideration.

If the Minister approves the formation of a subcommittee, members will be selected by the full committee in consultation with, and with the approval of the Minister. Sub-committee members need not be members of the committee.

The ability to appoint a sub-committee will allow the committee to call upon technical experts and parties familiar with specific issues to provide input.

## **10. Meetings**

The date of the first meeting will be determined by the Chairperson and the greatest availability of committee members. Subsequent meeting dates will be established at the conclusion of the previous meeting.

Meetings of minutes will be taken and disseminated to Council members, but will not be available for public viewing.

A summary of discussion at meetings of the committee will be prepared based on the minutes of the meeting within 14 days of the meeting at be posted on the Disabilities Issues Office website, [www.gov.mb.ca/dio](http://www.gov.mb.ca/dio) .

## **11. Conflict of Interest**

Where a committee member feels they are in a conflict of interest with respect to any matter before the Customer Service Development Committee, the member must immediately contact the chairperson to discuss the issue and the potential conflict. Where the chairperson determines that the member is in a conflict of interest with respect to the issue, the chairperson will ask the member to withdraw themselves from the discussion.

Where necessary, the member may consult with Disabilities Issues Office (DIO) staff with respect to the conflict. DIO staff may call on the services of the Department of Justice staff to come to a determination on the matter.