



Ontario Catholic School  
Trustees' Association



December 18, 2006

**ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION  
AND  
ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION  
JOINT RESPONSE TO  
CUSTOMER SERVICE DRAFT STANDARD**

The Ontario Public School Boards' Association and the Ontario Catholic School Trustees' Association are pleased that work is underway in developing Standards that, when implemented, will make our province a fully accessible environment for Ontarians with disabilities. We have monitored the development of the first of these standards which deals with Customer Service. OPSBA appreciated the opportunity to provide feedback on behalf of the school board sector at the Stakeholder Consultation session held in Toronto on November 14, 2006.

The Ontario Public School Boards' Association represents public district school boards and public school authorities across Ontario, which together serve more than 1.3 million public elementary and secondary students and their parents. OPSBA's members include 31 English-language public district school boards, 20 school authorities, and one French-language public district school board, which collectively employ over 126,000 employees and are represented by about 400 trustees. OPSBA's mission is to promote and enhance public education for the benefit of all students and citizens of Ontario.

The Ontario Catholic School Trustees' Association (OCSTA) represents 29 English-language Catholic district school boards and five English-language Catholic school authorities. Collectively, these school boards educate over 600,00 students from Junior Kindergarten to Grade 12. The Mission of all Catholic school boards and their schools is to create a faith community where religious instruction, religious practices, value formation and faith development are integral to every area of the curriculum. This is in addition to providing a complete curriculum as defined by the Ministry of Education.

***Principles***

Our member school boards are keenly interested in the work flowing from the *Accessibility for Ontarians with Disabilities Act* and hope to participate actively in future Standards Development Committees. In reviewing the Draft Customer Service Standard, we would like to emphasize our strong endorsement of the principles which guide the standard. Dignity, Equity, Inclusion, Independence, Responsiveness and Sensitivity are principles that inform the human rights policies currently in place in school boards. Our Associations believe that the role of public education is to provide universally accessible education opportunities and hold promotion of human rights as a fundamental value of all who work and learn in the public school system.

The standard sets an attitudinal context and places an emphasis on raising awareness around the issue of accessible Customer Service for persons with disabilities. We fully support this and the comments we provide below deal with how to achieve compliance.

As we understand it, the standard does not deal with the physical environment within which customer service is delivered. This is intended to be outlined in other standards yet to be developed. We note here, however, that accessibility standards related to the Built Environment will be of particular significance to school boards in terms of resources to build or modify facilities and adequate timelines around implementation. The draft document indicates that “the standard should be read in conjunction with other AODA standards to enable persons or organizations to determine and understand the full extent of requirements they will be mandated to comply with.” This raises our first concern – the difficulty of implementing standards in isolation from each other. The Chair of the Committee in her transmittal letter to the Minister referred to this issue: “to talk about accessible customer service only makes sense if one is also going to ensure that the places where customer service takes place are physically accessible.”

### ***Interdependence of Standards and Public Expectations***

Our Associations support measures aimed at education and raising awareness but question how the proposed standard will translate into regulation in the absence of other highly relevant and necessary standards such as built environment and information and communications. A particular concern we have in this regard is the ability of organizations and businesses to meet public expectations. For example, school boards may have staff who are fully aware of and trained in accessible customer service but there may still be barriers if the built environment within which the staff work is not accessible. This sets up the potential for frustrated expectations and conflict.

### ***Accessible Customer Service and Alternative Customer Service***

Section 5.1 requires service providers to provide alternative customer service “until barriers are removed or equivalent service is available.” In the definitions “alternative service” means “a service generally intended to be temporary that approaches the desired result until such time as the barrier is removed or an equivalent service is put in place.” The standard does not give an indication of the length of time an alternative service may continue. If the barrier is caused by the built environment this could extend for some considerable time. A further concern arises if service providers create remedies and use resources to provide accessible customer service and then, at a later date, are required to replace these measures and introduce different ones because they are affected by one of the other Standards (e.g. information and communication or built environment) that have yet to be developed.

### ***Exemptions***

Section 2.2 exempts from the application of the standard situations where service providers can establish that following the standard would fundamentally alter the nature of the service, compromise public safety, or result in non-compliance with another statute. It would be helpful if some concrete examples of circumstances these exemptions might pertain to were provided in an explanatory document. Did the Standards Development Committee consider the exemption of “undue hardship” as found in the Ontario *Human Rights Code* (which are also referenced in the Commission’s Guidelines for Accessible Education)?

### ***Service Disruption***

The type of service disruption at a school board that is most likely to present challenges around equitable accessible service would occur as a result of a strike. While school boards are accustomed to adopting all possible measures to ensure that all students receive equal service in such a situation, an important factor is the cooperation of unions in this regard. Withdrawal of services by union members during a labour dispute would severely compromise the ability of school boards / schools to comply with this legislation. Will there be specific clarification that the requirements of the standard embrace unions as well as employers? Otherwise, what other steps will be taken to ensure that school boards / schools are not impeded from complying with the standard?

### ***Training***

Section 5.2.4. requires ‘relevant training, learning opportunities or direction’ of employees and volunteers regarding their roles and responsibilities under the AODA and this training must ‘reflect the requirements of this standard and the accessible customer service principles set out above.’ Is it fair to assume that the Ministry would provide more specific guidance in what the content of such training would be? We also suggest there be clarification of the word “or” – does this mean that providing direction is an alternative to training or is it intended that organizations will provide training, learning opportunities *and* direction?

We believe organizations will need more information on the requirement for training. In the case of school boards, training of teachers generally involves releasing teachers from the classroom and replacing them with supply teachers. This is a significant logistical and financial undertaking. In addition, there will be many more classes of staff who are engaged in customer service, e.g. educational assistants, school secretaries, custodians, as well as the large numbers of volunteers who are involved in schools. We are concerned about how school boards which operate within very defined funding lines will plan for the financial implications of training. Because of the numbers involved and the ongoing requirements for training of board staff, teachers in particular, in a variety of provincially-mandated areas, we are concerned whether three years is an adequate timeframe to meet the requirements of the standard.

It will be important to be provided with greater clarification of the specific components of the training envisioned and to understand how current school board training, e.g. in school board human rights policies, will interrelate with the expectations in the Customer Service standard. More specificity on the scope of documentation would also be helpful. Will there be specific information about what kind of documentation would “reflect the nature, size and capacity of the organization?”

### ***Feedback Procedures***

The standard requires that the service providers maintain an accessible process “to obtain, consider and take necessary action on feedback with respect to accessible customer service, including any complaints.” The concern we would like to raise is how, in the absence of more explanatory language, the term “necessary action” is likely to be interpreted. A person with a disability may have the expectation that “necessary action” includes the immediate removal of a barrier. Depending on the circumstances, particularly if the issue involves a physical barrier, a service provider may not come to the same conclusion about what constitutes “necessary action.” As with our earlier comment about public expectations, we see potential for conflict.

### ***Implementation Targets***

The rationale for assignment of 3-year as opposed to 5-year implementation targets is not clear. It is understandable that many small businesses and organizations may not have structures and processes in place to easily deal with the requirements and will, therefore, need some time to achieve compliance. It is equally true that large organizations for whom customer service is a huge part of their operations may require an extended period of time to accomplish, for example, all the training and documentation set out in the standard. Perhaps the nature of an organization's operations is at least as important as its size.

### ***Specific characteristics of school boards***

The range of customer service provided by school boards as a sector is broad and multi-layered. While our first priority in this regard is our students, we also provide a range of customer service to parents and to the broader community. In terms of students, service embraces not just what happens in the classroom including specialty areas such as art/music rooms, laboratories and gymnasiums, but also access to activities such as recess, field trips, extra-curricular programs and transportation. Service to parents includes, among other things, daily access to school buildings; conferences with principals and teachers; telephone, written word and internet access to school/student information; parent-teacher nights; school council meetings; and school plays and concerts. There is widespread community use of schools for meetings, night school courses, rentals for sports activities and clubs as well as a general practice of using schools as polling stations in municipal, provincial and federal elections.

As a sector, school boards are also highly regulated. In addition to the detailed provisions of the Education Act, school boards are regulated by various statutory regimes including: specific regulations around provision of special education services; regulations that govern the maintenance of Ontario Student Records and are very prescriptive around protection of privacy; and the Safe Schools Act. The Ontario Human Rights Commission has also issued Guidelines on Accessible Education dealing in some detail with how schools are to accommodate students with disabilities. Questions we would raise are how the Customer Service Standard will interrelate with these and other statutory regimes, and whether the degree of regulation school boards already have in areas relating to customer service is unique in the province. If so, does this unique nature of school board open up consideration for unique treatment with regard to the application / implementation of the accessibility standards?

## **CONCLUSION**

OPSBA and OCSTA commend the work of the Customer Service Standards Committee. Articulating a path for addressing customer service separately from the structures within which customer service is delivered cannot have been an easy task. We very much support the principles that guide the standard and the issues we have raised in our submission speak sincerely to "how" to comply with the customer service standard. We submit, for all the reasons outlined earlier in our comments, that the ideal approach would involve implementing all standards concurrently.

Thank you for the opportunity to provide this input.