



AODA CUSTOMER SERVICE STANDARD POLICY

made pursuant to the provisions of the **Accessibility for Ontarians with Disabilities Act, 2005**, S.O. 2005, c. 11 (hereinafter the AODA). This AODA Customer Service Standard Policy is © Cohen Highley LLP, 2011. Please note that this AODA Customer Service Standard Policy is for the use of Cohen Highley LLP and the Lawyers Resource Centre Limited Partnership (hereinafter collectively referred to as "CH").

We at Cohen Highley LLP and the Lawyers Resource Centre Limited Partnership (hereinafter collectively referred to as "CH") are committed to providing exemplary service to all of our customers in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 (the "AODA") and Ontario Regulation 429/07 (the "Customer Service Standard").

The following policies, procedures and practices are guided by the fundamental principles underlying the Customer Service Standard. We are committed to ensuring that the Policy is rigorously observed by all employees and any third party that provides goods and services on our behalf.

1. Objectives

The objective of this Policy is to provide a framework through which CH can achieve service excellence for people with disabilities. CH is committed to providing a respectful, welcoming and inclusive environment to all individuals who seek access to our goods and services.

2. Application

This Policy applies to all employees of CH and any third party providing goods and services on behalf of CH and who may interact with CH's customers, the public or third parties.

3. Mission Statement

CH is committed to providing accessible customer service to persons who have disabilities. CH will make reasonable efforts to ensure that this Policy and related practices and procedures are consistent with the following principles as prescribed in the Customer Service Standard:

- (a) We will provide goods or services in a manner that respects the dignity and independence of persons with disabilities.
- (b) We will provide integrated services to persons with disabilities wherever possible and will provide alternate measures where necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.
- (c) We will provide equal opportunity to persons with disabilities to obtain, use and benefit from the goods or services.

4. Providing Goods and Services to People with Disabilities

4.01 Communication

When communicating with persons with a disability, CH will take into account the particular individual's needs and circumstances. CH's employees, agents and third parties who communicate with customers will be trained on how to interact and communicate with people with various types of disabilities in order to ensure that CH provides responsive and effective communication. All communication shall be provided in a manner that respects the dignity and independence of persons with disabilities.

4.02 Assistive Devices

Persons with disabilities shall be permitted to obtain, use or benefit from goods or services through the use of their own assistive devices. CH's employees, agents and third parties will be trained to ensure that they are familiar with various assistive devices that may be used by customers with disabilities while accessing services.

In the event that a person with a disability is hindered from accessing any goods or services offered, CH will use its best efforts to accommodate the person by offering the use of another assistive device that is available or attempt to deliver the same service in another way.

CH will train employees, agents and third parties on how to use assistive devices that are available at the office for customers. CH will also train employees, agents and third parties to inform customers of the assistive devices that are available.

4.03 Telephone Services

CH is committed to providing fully accessible telephone service to our members. CH will train employees to communicate over the telephone in clear and plain language and to speak clearly and slowly. If telephone communication provides a barrier to a person with a disability, CH will be available to communicate in writing, by e-mail, by fax or by other electronic means.

4.04 Billing

CH is committed to providing accessible invoices and, upon request, our invoices will be provided in alternative formats. CH will answer any questions customers may have about the content of the statement in person, by telephone or email.

5. Use of Service Animals and Support Persons

5.01 Service Animals

CH is committed to welcoming persons with disabilities who are accompanied by a service animal on the parts of our premises that are open to the public. If a service animal is excluded by law, CH will suggest appropriate alternatives and provide assistance in order to ensure that the person is able to access, obtain, use or benefit from CH's services where possible.

CH will train employees on how to interact with customers who are accompanied by service animals.

5.02 Support Persons

Any person with a disability who is accompanied by a Support Person will be allowed to access any services provided by CH with his or her Support Person. CH will not prevent a person with a disability who is accompanied by a Support Person from having access to his or her Support Person.

Where there are barriers to access or attendance by a Support Person, CH will seek to facilitate access to ensure the participation of persons with disabilities.

6. Notice of Temporary Disruptions

Although CH is aware that the operation of its services and facilities is important to its customers and that persons with disabilities rely on certain services and facilities provided by CH, temporary disruptions in services and facilities may occur from time to time.

CH will provide notice when there is a temporary disruption in those services or facilities that persons with disabilities may rely on. This notice will include information about the reason for the disruption, its anticipated duration, and, if applicable, a description of alternative facilities or services that may be available. Notice of service disruptions will be provided as soon as reasonably practicable after CH is made aware of the disruption, or in advance in the case of planned disruptions.

Notice will be provided by a variety of methods, depending on the circumstances, and may include postings in conspicuous places at the office, in other facilities of the building (i.e. the lobby), on CH's website or by any other means that will reasonably ensure that the notice reaches those persons potentially affected by the temporary disruption in a manner that is accessible to them.

7. Providing Legal Services to Persons with Disabilities

When representing clients with a disability, all lawyers and paralegals shall follow the Law Society of Upper Canada's *Rules of Professional Conduct* (the "Rules"), including the Rules with respect to serving clients with disabilities (Rules 1.03(1)(b), 2.02(6) and 5.04).

7.01 Services

CH shall ensure that no person with a disability is denied service or receives inferior service on the basis of being a person with a disability.

7.02 Accommodation Shall be Provided

Where a disability impacts upon a client's ability to communicate their instructions to counsel, CH shall work to find the appropriate means to accommodate a client's disability related needs to the point that effective communication is possible. Where an interpreter or intervener becomes involved, lawyers and paralegals shall be aware of potential conflicts of interest if the interpreter or intervenor is a family member or care giver and the possibility that the interpreter or intervenor may try to influence the client. As in all cases, lawyers and paralegals shall ensure that they are ascertaining the wishes of their client.

7.03 Presumption of Capacity

CH's presumption is that an adult client is capable of instructing counsel. This presumption is not rebutted by the mere fact that a client is a person with a disability.

7.04 Powers of Attorney

The lawyer or paralegal may recommend that a client or prospective client has a power of attorney in place for later use if the lawyer or paralegal believes that incapacity is likely to occur during the course of the retainer.

7.05 Capacity to Instruct Counsel

CH recognizes that even when accommodation has been provided, there will be occasions when a lawyer or paralegal has concerns about a client or prospective client's capacity to instruct counsel. CH also recognizes that an individual's ability to make decisions may change, for better or worse, over time. When a client is or comes to be under a disability that impairs his or her ability to make decisions, the impairment may be minor or it might prevent the client from having the legal capacity to give instructions or to enter into binding legal relationships. Each case shall be assessed on an individual basis.

Where the lawyer or paralegal has concerns about a client or prospective client's capacity to instruct counsel, they may seek to obtain the client or prospective client's consent to discuss those concerns with the individual's family members and/or health care providers.

7.06 Substitute Decision Maker

Where the lawyer or paralegal has concerns about a client or a prospective client's capacity to instruct counsel, the lawyer or paralegal may need to take steps to have a lawfully authorized representative appointed (i.e. a litigation guardian), or to obtain the assistance of the Office of the Public Guardian and Trustee or the Office of the Children's Lawyer to protect the interests of the client.

7.07 Capacity Assessments

Where a lawyer or paralegal at CH has concerns about a client's capacity to instruct counsel, the lawyer or paralegal may consider whether a capacity assessment is advisable. In determining whether a capacity assessment is advisable, the lawyer or paralegal may seek the assistance of the Capacity Assessment Office, a qualified capacity assessor, or a qualified medical professional.

In the event that a lawyer or paralegal has determined that a capacity assessment is advisable, the lawyer or paralegal shall explain to the client the reason that a capacity assessment is recommended (i.e. to protect a transaction from future challenge).

7.08 Continuing Obligation to Incapable Client

Unfortunately, in some cases the lawyer or paralegal may be required to withdraw their services where a client lacks the capacity to instruct counsel.

CH recognizes that finding a client incapable of providing instruction to counsel is a serious matter and impacts upon a client's access to justice. In the event that a lawyer or paralegal finds that a client no longer has the necessary legal capacity, the lawyer or paralegal shall make all efforts to ensure that the client's interests are not abandoned.

8. Training for Staff

CH will ensure that all employees, agents and third parties who interact with customers on its behalf receive AODA Customer Service Standard Training. Further, training shall be provided on an ongoing basis whenever changes are made to this Policy to ensure that this Policy is properly implemented at all times.

Training will include the following:

- An overview of the purposes of the *Accessibility for Ontarians with Disabilities Act, 2005* and the requirements of the Customer Service Standard;
- Training on how to interact and communicate with people with various types of disabilities;
- Training on how to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;
- Training on how to use equipment or assistive devices available at the office or otherwise provided by CH that may help with the provision of goods or services to a person with a disability;
- Training on what to do if a person with a disability is having difficulty in accessing CH's goods and services; and
- Training on CH's current policies, practices and procedures relating to the Customer Service Standard.

CH will keep records of the training provided, including the dates on which training was received and the names and number of participants.

9. Feedback Process

In order to properly assess the needs of persons with disabilities, CH has created a feedback process and designated a member of staff as its AODA Compliance Officer.

9.01 Receiving Feedback

Feedback may be provided by a person with a disability in the manner they deem most convenient to them. For example, a person may provide feedback by completing a Customer Feedback Form or by contacting the AODA Compliance Officer in person, by mail, phone, e-mail or by diskette. All feedback will be processed by the AODA Compliance Officer. All feedback will be kept in strict confidence and will be used to improve customer service.

9.02 Responding to Feedback

If the feedback raises serious concerns with respect to the delivery of goods and services to persons with disabilities, CH will provide a response to the concerns in a timely manner. The author of the feedback will be provided a response in the format requested (or the most appropriate format where no request was made) outlining actions taken. CH shall make best efforts to respond to feedback within three (3) business days.

10. Notice of Availability of Documents

This Policy and any corresponding practices and procedures will be made available to any person upon request. CH shall post notice of the availability of these documents in a conspicuous place at the office and on CH's website.

11. Format of Documents

Upon request, CH shall provide this Policy and other any forms created pursuant to the Customer Service Standard in a format that takes into account the disability of the person submitting the request.

12. Modifications to the Policy and Related Policies

CH is committed to developing customer service policies that respect and promote the dignity and independence of people with disabilities. All of CH's policies and procedures will be developed or updated in such a manner as to respect and promote the dignity and independence of persons with disabilities.

13. Additional Obligations

CH recognizes that the AODA does not replace or supersede the *Human Rights Code*, R.S.O. 1990, c. H.19 (the "Code").

14. Enquiries

Any Enquiries related to this Policy and any feedback should be directed to our AODA Compliance Officer:

Name: Laura McKeen Phone Number: 519-672-9330 x 427

Email: mckeen@cohenhighley.com Fax Number: 519-672-5960

Address: Cohen Highley LLP, One London Place, 255 Queens Ave., 11th Floor, London, Ontario, N6A 5R8