

Guidelines for Determining Contractor Training Requirements

Legislative Requirements

According to Regulation 429/07 Accessibility Standards for Customer Service, section 6(1):

Every provider of goods or services shall ensure that the following persons receive training about the provision of its goods or services to persons with disabilities:

1. Every person who deals with members of the public or other third parties on behalf of the provider, whether the person does so as an employee, agent, volunteer or otherwise.
2. Every person who participates in developing the provider's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties.

According to Regulation 191/11 Integrated Accessibility Standards, section 7(1):

Every obligated organization shall ensure that training is provided on the requirements of the accessibility standards referred to in this Regulation and on the Human Rights Code as it pertains to persons with disabilities to,

- (a) all employees, and volunteers;
- (b) all persons who participate in developing the organization's policies; and
- (c) all other persons who provide goods, services or facilities on behalf of the organization.

Essentially, training applies to anyone **interacting with the public on our behalf, or influencing the development of policies, practices and procedures**, including full-time, part-time and contract employees; student interns; volunteers; contractors; councillors; committee members; and others.

Determining who to train should not just be based on a person's job description, it should be **based on what the person does in practice on a regular basis**. For example, a company contracted for garbage collection may not have customer service in their job description, however, members of the public may contact the company by phone or in person to ask questions; or the company may communicate with members of the public by leaving garbage items behind because they are supposed to be disposed in a different manner or are not put out properly, or by providing notice of changes in scheduled pick up, etc.

Defining 'Contractor'

A 'contractor' refers to an external company or individual who is contracted to provide services for your municipality. This may include public works contractors that apply for contracts through tenders or RFP's; a cleaning company hired to clean the municipal building; an individual contracted as a fence viewer or livestock valuator; a construction company building a new building; a garbage collection company; consultant services; and so on. Employees in a contract position who are considered a part of your organization would typically be classified as employees, not contractors and would therefore be trained after hire during the typical orientation process.

Whether a contractor meets the criteria for accessibility training will be at the discretion of the Department Head hiring the contracted company or individuals; however, we do want to promote consistency in these decisions. The purpose of this guideline is to achieve consistency by offering questions to consider when determining contractor training requirements as well as a list of recommendations for common contracting companies and individuals.

Questions to Consider

- Is the contractor providing a service on our behalf?
- While working for us, will they interact with the public either formally (e.g. being the contact for questions or providing information) or informally (e.g. being stopped and asked for directions)?
- Are their services being provided in a place the public typically go (e.g. park, sidewalks, municipal office)?
- Are the services being provided during regular hours of operation (e.g. when the municipal building is open)?
- Are the contractors making any decisions regarding the provision of goods and services on our behalf (e.g. what garbage items will or will not be collected)?
- Are the contractors offering advice on any decisions regarding the provision of goods and services on our behalf (e.g. consultants)?

Sample contractors who will need training

- Garbage and recycling collection
- Operators of the municipal water systems
- Livestock valutors, fence viewers, weed & tree inspectors
- Animal control officer
- A consultant conducting a review of our facilities or services

Sample of contractors who may be excluded (situation dependent)

- Cleaning company that only cleans the municipal building after hours
- Construction company that is building a new building, working on a construction site (which would be closed to the public), who does not answer inquiries or provide any information to the public and does not interact with third parties on our behalf (e.g. they would order materials as company X not as the municipality)