

January 30, 2009

Honourable Madeleine Meilleur
Minister of Community & Social Services
Hepburn Block, 6th Floor
80 Grosvenor Street
Toronto ON M7A 1E9

Dear Minister Meilleur:

Subject: Proposed Accessible Information & Communications Standard

I am writing on behalf of the Board of Directors and members of AMCTO—the Association of Municipal Managers, Clerks and Treasurers of Ontario—in response to your November 17, 2008, call for comments on the proposed Accessible Information & Communications Standard prepared by the Standards Development Committee.

AMCTO has as its mission promoting excellence in municipal administration. We offer education courses, training workshops and a highly regarded professional designation, the Certified Municipal Officer or “CMO.” We also advocate for provincial legislation and regulations that facilitate efficient and effective delivery of local services. In all this work, we draw on the expertise of our membership—2,200 chief administrative officers, clerks, treasurers, managers and other professionals working in more than 95% of the municipalities across Ontario.

Since many of our members have among their responsibilities ensuring the provision of information and communications by their municipality, we have taken a particular interest in the proposed Accessible Information & Communications Standard.

AMCTO's Support for the AODA

AMCTO supports the Accessibility for Ontarians with Disabilities Act, 2005, (“the Act”) and the vision of an Ontario where goods, services, facilities, accommodation, employment, buildings, structures and premises are equally accessible to all Ontarians. We have given proof of our support by:

- Nominating members for the Customer Service, Transportation and Information & Communications standards development committees
- Publicizing the committees' work to our membership through AMCTO's committees, electronic newsletters and bimonthly magazine

- Delivering training on the Accessibility Standards for Customer Service Regulation to 1,000 municipal staff in workshops across the province
- Launching, maintaining and marketing the Municipal Accessibility Toolkit Website at www.accessiblemunicipalities.ca
- Making suggestions to the Ministry for clarifying amendments to the Accessible Ontario Regulation 429/07: Accessibility Standards for Customer Service
- Having our Municipal Accessibility Working Group provide input to the Accessibility Directorate of Ontario on draft implementation material

As you will know, the training and website initiatives were developed with in close partnership with the Accessibility Directorate of Ontario and with financial assistance from your Ministry, for which we are grateful.

AMCTO's review of the proposed Accessible Information & Communications Standard thus reflects both a commitment to the policy objectives behind the Standard and an interest in finding practical measures to achieve the objectives. The current submission incorporates input from our Legislative Committee, Municipal Accessibility Working Group and Municipal Elections Project Team.

Overall Assessment of the I&C Standard

AMCTO supports the issuance of an Information & Communications Standard under the Accessibility for Ontarians with Disabilities Act. We commend the Standards Development Committee for the work it has done in cataloguing the needs of persons with disabilities and identifying the role that information technology can play in meeting those needs. We can fully support a number of the provisions as currently written, including Organizational Policies, Practices & Procedures (Subsection 2.2), Statement of Commitment (2.3), User Request & Feedback Processes (2.4) and Training (2.7).

At the same time, we have reservations about many of the provisions as currently written because of the negative operational and cost impacts that they will have on municipal administration. We have three overarching concerns.

The first concern is the December 31, 2011, timeline for full compliance by municipalities. Three years (likely two years by the time the Standard becomes law) is not enough time for 444 municipalities to prepare for the voluminous and complex requirements found in the Standard. The other four standards to be issued under the Act—Customer Service, Transportation, Built Environment and Employment—will present competing demands for attention and resources over the same period. Widespread non-compliance would likely be the result, generating significant enforcement activity (and costs) for the Province and creating the perception of negative rather than positive change.

Our second concern is the overly prescriptive nature of many of the proposed requirements. The focus is on “how” outcomes are achieved rather than on the outcomes themselves. This approach limits the ability of municipalities to respond to priorities identified by their local

disabilities communities, to take advantage of emerging technologies and to pursue cost-effective alternatives providing equally satisfactory results for persons with disabilities.

Third, in the absence of financial assistance from the Province, local taxes will have to rise and resources be diverted from other priorities if the proposed Standard proceeds in its present form. The costing study by KPMG suggests that a “small” municipality (less than 35,000 population) will experience a 1%-3% increase in annual operating costs. We have questions about the study and believe that this estimate is on the low side. In any event, the estimate does not take into account the cumulative cost of implementing four accessibility standards in addition to the Information & Communications Standard.

Such are our overall concerns with the proposed Standard. We would now like to offer detailed comments on the various provisions.

Comments on Specific Provisions

Scope (Section 1)

We have no concerns about this provision apart from the inclusion of “business enterprise systems” in the list (see our comment on Section 6.0 below).

Application of Standard (Subsection 1.1)

This provision groups service providers into three classes and imposes compliance deadlines on each class as follows:

- Class 1: Private sector/non-profit organizations 1-19 employees, by December 31, 2013
- Class 2: Private sector/non-profit organizations 20+ employees, by December 31, 2013
- Class 3: All public sector organizations, by December 31, 2011

AMCTO’s focus is naturally on Class 3, the class into which municipalities fall. This submission does not provide comments on the proposals as they may affect Classes 1 or 2 except to note the negative impact that unreasonable requirements for business can have on local economic activity and the municipal tax base—and the similar impacts on social services delivered by non-profit organizations.

There are three main concerns from a municipal standpoint with what Subsection 1.1 envisages for Class 3 organizations.

First, the provision lumps all public sector organizations into a single class irrespective of size. The Standard should take into account the varying resources of organizations. A municipality with a few hundred residents and only the property tax and limited grant entitlements as revenue should not be asked to comply to the same degree or at least at the same pace as a provincial Ministry with thousands of employees and a budget of hundreds of millions of dollars. This principle was accepted by the Standards Development Committee when it created two classes for the private and non-profit sectors—Class 1 (organizations with 1-19 employees) and Class 2 (organizations with 20 or more employees).

We recommend that Class 3 be subdivided into at least three separate classes—the Provincial Government, municipalities with a population of 50,000 or more and municipalities with a population below 50,000. The Ontarians with Disabilities Act, 2001, provided a precedent by exempting municipalities with a population under 10,000 from the requirement to establish an accessibility advisory committee. A higher threshold for the Information & Communications Standard is warranted because its requirements are more onerous than the ODA's. Irrespective of what population figure is used, population constitutes a better way of differentiating among municipalities than number of employees since it avoids having to figure out how local board staff count toward the number of municipal employees and it facilitates a corporate approach to implementation within the municipality.

Our second concern with Class 3 as envisaged by Subsection 1.1 is that it subjects the municipal sector to an unrealistic compliance deadline—December 31, 2011. A more realistic timeline would reduce costs and the potential for non-compliance. The KPMG costing report (page 52) notes:

The longer that entities have to prepare for the Committee's proposed Standard to be ratified, the more time they will have to assess the needs of their employees and client base and develop the necessary supports within their organization. This may include updates to software and web-based technology, and updates to current training practices and policies that support the requirements of the Committee's proposed Standard.

Our final major concern with Subsection 1.1 is that, apart from some provisions relating to information technology, the Subsection requires municipalities to comply fully with all provisions in the Standard by a single deadline. A phased approach makes more sense. AMCTO recommends three phases:

- In Phase 1, under a provision that should be added to the Standard, municipalities and other Class 3 organizations would have to spell out in their annual accessibility plans how they plan to comply with the Information & Communications Standard.
- In Phase 2, the organizations would have to implement the less challenging provisions of the proposed Standard. Examples include Organizational Policies, Practices & Procedures (Subsection 2.2); Statement of Commitment (2.3); User Request & Feedback Processes (2.4) and Training (2.7).
- The remaining requirements would come into force in Phase 3. This phase could be broken down further if the five-year reviews of the Standard, mandated by Subsection 9(9) of the Act, indicate that this would be desirable.

Weighing all these considerations, AMCTO recommends that Subsection 1.1 establish the classes and deadlines set out below.

Class	Phase 1	Phase 2	Phase 3
3a: Provincial Ministries & Agencies	December 31, 2011	December 31, 2013	December 31, 2020
3b: Municipalities with 50,000+ population	December 31, 2012	December 31, 2015	December 31, 2024
3c: Municipalities with less than 50,000 population	December 31, 2013	December 31, 2016	December 31, 2024
Remainder of the broader public sector (hospitals, school boards, etc.)	To be determined by the SDC and MCSS in consultation with the affected organizations	To be determined by the SDC and MCSS in consultation with the affected organizations	December 31, 2024

NOTE: The specific dates shown are offered to illustrate the approach that we are recommending with respect to the Accessible Information & Communications Standard. They may need to be modified if the Government accepts the further recommendation made farther on in our submission (page 13) that the four remaining standards be implemented as a package.

The early dates suggested for compliance by the Provincial Government should be noted. We recognize the leadership that the provincial ministries and agencies have played in implementing the Ontarians with Disabilities Act, 2001. We ask the Province to continue to play this role for the Information & Communications Standard by accepting earlier compliance deadlines than for the rest of the public sector. You may also wish to consider offering incentives to ensure a sufficient supply of American Sign Language interpreters and other key resources.

By taking the lead, the Province would facilitate implementation of the Standard in the municipal sector. Municipalities would benefit from your implementation experience and the accessibility tools brought to market by your superior buying power. The process would then be replicated in the municipal sector as smaller municipalities “borrow” policies, practices, procedures and training materials developed by larger municipalities.

General Accessibility Requirements (Subsection 2.1)

Subsection 2.1 of the proposed Standard states:

When organizations provide individual accommodation as required by Ontario’s Human Rights Code, the organization shall meet the requirements of Section 5 and Schedule 1 and:

- a) give the individual at least the same time to review, respond or use the information and communications for the intended purpose as given to others

- b) provide the same quality so that it is equally up-to-date, complete, and accurate as is available to others, and
- c) provide the same availability in terms of time and place as is available to others.

The absolute obligation that Clauses (a) and (c) appear to impose on municipalities to provide information to persons with disabilities at the same point in time as it is available to others is of particular concern. It may not be feasible to meet this requirement in all circumstances, at least without incurring extraordinary expense. Consider some examples:

- A deaf francophone asks for an LSQ (Langue des signes québécoise) interpreter to support her regular attendance at council meetings at a municipality in northwestern Ontario. No such interpreters are available in that part of the province.
- A blind researcher wants to consult historical records at the municipal archives. Conversion of documents to PDF-A-1 format is underway, but is years away from completion.
- The municipal website is being brought into line with WCAG 2.0. The project manager goes on sick leave, and no replacement can be found, pushing the project beyond the deadline.

These situations would expose the municipality to public embarrassment for failing to meet a legislative requirement and to being charged with an offense subject to a fine of \$100,000 a day.

Such an environment would have serious effects on the operation of municipal government across the province. Important and essential communication and information services could be curtailed due to extra expense and time required to prepare documents for publication. The KPMG costing study (page 35) provides a concrete example:

... creating accessible web content ... will require approximately 15% more labour hours than publishing non-accessible content. Municipalities will be faced with the option of either hiring additional personnel to account for the increased workload, or reducing the number of pages on their websites. Based on the assumption of a "least cost compliance" approach, KPMG has assumed that in order to manage its costs the municipality will choose to reduce the number of webpages it publishes to avoid the need to take on additional staff

Council and local board decision-making will also slow down because of the additional lead-time needed to have reports with maps and graphics ready in accessible format when agendas are posted on the website. This will impact on the ability of these institutions to comply with legislated deadlines for considering applications. Amendments to the Planning Act, Assessment Act and other Acts to lengthen the timelines will become necessary.

Accordingly, AMCTO recommends that Subsection 2 be revised to read, "The organization shall **use reasonable efforts** to meet the requirements of Section 5 and Schedule 1." This

language appears in Ontario Regulation 429/07: Accessibility Standards for Customer Service.

Organizational Policies, Practices & Procedures (Subsection 2.2)

AMCTO supports the provision as currently worded subject to acceptance of our recommendations for an implementation phase-in and for changes to Section 5.0 and Schedule 1 (see below).

Statement of Commitment (Subsection 2.3)

AMCTO supports the provision as currently worded subject to acceptance of our recommendations for an implementation phase-in and for changes to Section 5.0 and Schedule 1 (see below).

User Request & Feedback Processes (Subsection 2.4)

AMCTO supports the provision as currently worded subject to acceptance of our recommendations for an implementation phase-in and for changes to Section 5.0 and Schedule 1 (see below).

Cost for I&C in Alternate Accessible Formats (Subsection 2.5)

This provision states, "The cost to the person with a disability for alternate accessible formats as required by any sections of this standard shall be no more than the regular cost of the formats charged to others." We support the provision as currently worded while noting the additional costs that municipalities will incur.

Duty to Inform (Subsection 2.6)

This provision states, "Organizations shall inform persons with disabilities regarding the availability of accessible information and communications." We support the provision subject to our understanding that the duty does not go as far as to require a municipality to compile a list of persons with disabilities and proactively contact them about the availability of accessible information and communications. The provision would be clearer if the words "on request" found in Subsection 2.8: Emergency & Public Safety Information were inserted into Subsection 2.6.

Training (Subsection 2.7)

AMCTO supports the provision as currently worded subject to acceptance of our recommendations for an implementation phase-in and for changes to Section 5.0 and Schedule 1 (see below).

Emergency & Public Safety Information (Subsection 2.8)

AMCTO supports the provision as currently worded subject to acceptance of our recommendations for an implementation phase-in and for changes to Section 5.0 and Schedule 1 (see below). The requirement that Subsection 2.8 be implemented within three

months of the Standard coming into force cannot be met under the time frames proposed by the Standards Development Committee.

IT-based Systems (Section 3.0)

We find Section 3.0 very unclear. Given the examples cited in the comments at the top of page 11 of the consultation document, we surmise that the Committee is drawing a distinction between, on the one hand, externally facing Web-based systems that are accessed primarily by the public (plus the municipal intranet) and, on the other hand, complex internally facing systems used primarily by employees. The latter systems would be the “business enterprise systems,” covered by Section 4.0. If that is not in fact the Committee’s intent, we urge that the Standard be revised to incorporate this distinction. For now, we will assume it for the purposes of our comments on Sections 3.0 and 4.0.

The key point that the Standards Development Committee posed for consideration during the public review of Section 3.0 is “whether organizations that are subject to the requirements in this section of the standard have the capacity to comply within the specified timelines.” AMCTO’s answer is, definitely not, as we will now explain in our comments on the provisions in Section 3.0.

New IT-Based Systems (Subsection 3.1)

This provision would require that all new IT-based information and communication systems have an accessible user interface and content file format by December 31, 2013. There is no guarantee that such software products will come on the market within that time frame. The alternative deadlines and provincial leadership role that we have put forward in our comment on Subsection 2.1 would increase the chances of municipalities being able to comply with Subsection 3.1.

New Content Delivered Through Existing Systems (Subsection 3.2)

This provision would require that new content delivered through existing IT based information and communication systems be available in an accessible digital file format by December 31, 2013. This is not a reasonable deadline.

User Interfaces of Existing Systems (Subsection 3.3)

This provision states that the software user interfaces of existing (IT-based) information and communication systems shall be accessible by December 31, 2013. Our comment is the same as for Subsection 3.2.

Business Enterprise Systems (Section 4.0)

Section 4.0 deals with “business enterprise systems,” defined as “large and complex information technology applications capable of supporting fundamental (internal and/or external) business processes which are critical to the continued operation and growth of the organization.” It is unclear to us whether the Standards Development Committee is thinking only of full-fledged enterprise resource planning (“ERP”) systems or of departmental business

applications (e.g., the building permit tracking system) as well. We will assume that the intent is to cover all database application systems whose main purpose is to facilitate work by employees rather than communication with the public.

Municipalities understand the need for internal business applications to be accessible to employees with disabilities. This is currently a requirement under the Ontario Human Rights Code, one that will be strengthened by the forthcoming Accessible Employment Standard. Meeting the obligation by reprogramming or acquiring business enterprise systems compliant with the proposed Standard is not a cost-effective approach, however.

The development and acquisition of business enterprise systems represent major financial investments for municipalities. Systems often remain in use for a decade or more. Whether the international vendors that develop such applications would be prepared to comply with timing and functionality requirements laid down by one Canadian province is uncertain. There is no guarantee that this will happen, at least within the time frames proposed by the Standards Development Committee. Prudence dictates that legal obligations not be imposed on public officials where compliance is dependent on events beyond their control.

The KPMG costing study found that over 90% of the total cost to the municipality of complying with the Information & Communications Standard was attributable to Section 4.0: Business Enterprise Systems. This was true under both the Low and the High scenarios. Major cost savings are thus possible if equal access to employment can be assured without having to pre-emptively reprogram all municipal internal systems across-the-board.

Fortunately, there is such an alternative at hand. Municipalities can acquire assistive software and equipment on a case-by-case basis to enable each employee with a disability to interface with the internal system. This is what municipalities are currently doing to comply with the Ontario Human Rights Code.

Accordingly, AMCTO recommends that Section 4.0: Business Enterprise Systems be removed from the proposed Information & Communications Standard. In the event that it remains, we recommend that the Section be included in Phase 3 of the three-phase implementation rollout recommended above.

Accessible Formats, Methods & Technical Requirements (Section 5.0)

AMCTO commends the Standards Development Committee for developing these two parts of the proposed Standard. The documentation of communication formats and methods is quite helpful. Highlighting the role that technology can play will assist municipalities and other organizations to meet their obligations.

However, we find many of the provisions in Section 5.0 confusing. Subsection 5.2 says that organizations must have the capacity to provide information and communications, in accordance with Section 5.0 and Schedule 1, on request by a person with a disability. This is consistent with the current policy that many municipalities follow of requiring reasonable notice for a person needing assistance to attend a council meeting.

The Subsection goes on to say, however, that “organizations **shall provide** [emphasis added] information and communication formats and methods to persons with disabilities ... providing **the same availability in terms of time and place as is available to others** [emphasis added].” This could be interpreted requiring the municipality to have an ASL interpreter available at every council meeting in case a deaf person happens to attend. It might also be interpreted to require adjournment of the meeting if the requirement cannot be met.

Many other instances of lack of clarity in Section 5.0 could be cited. We ask the Standards Development Committee to carefully examine each provision from the standpoint of clarity before the revised Standard goes forward to the Minister.

Educational Organizations & Regulatory Bodies (Section 6.0)

The proposed Standard defines the term “educational organizations” as “organizations that have as **a** [emphasis added] primary focus the provision of training or education, including but not limited to elementary, secondary, and post-secondary public, private, and not-for-profit organizations.” While not **the** primary focus for AMCTO, training and education are definitely **a** primary focus for us. We presume that Section 6.0 would thus apply to our organization. We have not had a chance to fully consider the implications for us and other small non-profit organizations that deliver training and education. We are consulting with partners in the college and university sectors to gain a better understanding. We will convey our conclusions to the Standards Development Committee through our nominee on the Committee.

Accessible Municipal & Provincial Elections (Section 7.0)

This Section is of particular interest to AMCTO because municipal clerks are responsible for administering the local election process in Ontario.

Municipalities have made significant progress in recent years in putting measures in place to ensure that persons with disabilities can vote privately and independently. AMCTO has promoted such measures through the elections management training that we deliver prior to every election. This aspect will continue to be emphasized in the training package that our Municipal Elections Project Team is preparing for 2010.

We believe, however, that the proposals in Section 7.0 do not have sufficient regard to the practicality, cost and other considerations that must be taken into account when designing processes and procedures for local elections.

Voting (Subsection 7.1)

This provision of the proposed Standard states, “Secure voting methods (such as on line and/or telephone) shall be implemented to allow persons with disabilities to vote privately and independently.” We understand that despite the use of the words “such as” the Standards Development Committee wants both Internet and telephone voting made mandatory for all municipal and school board elections in Ontario. This would be neither practical nor cost-effective, nor would it necessarily meet the needs or wishes of persons with disabilities.

AMCTO is not raising any objection to either Internet or telephone voting per se. Ontario municipalities have pioneered the use of these voting methods in Canada. Eighteen municipalities used them as their principal voting methods in 2006. We are concerned, however, about the removal of the flexibility that municipalities currently have under the Municipal Elections Act to select the methods that they consider most appropriate. It is precisely this flexibility that has made possible the innovation of the last decade.

We are also concerned about the additional cost that the approximately 400 municipalities that have chosen to use physical voting locations or mail-in ballot systems will have to incur to add Internet and telephone voting. The KPMG costing study appears to have underestimated this cost by leaving out such items as:

- developing policies and educating election staff on multiple election methods
- testing new systems for accuracy and security of the vote
- hiring staff or consultants with specific technology skills
- advertising to explain the different voting processes

All this effort could be expended without necessarily meeting the needs or wishes of persons with disabilities. A person with vision loss may or may not have the computer, Internet access and screen-reading or magnification software needed to take advantage of Internet voting. It is the experience of our members that persons with disabilities want to vote in the same manner as others in their municipality. Online and telephone voting could serve to segregate them from other electors.

Finally, a “one size fits all” approach may prevent municipalities from taking advantage of innovative approaches to address the specific needs of individuals with disabilities within their communities.

Accordingly, AMCTO recommends that the Standard authorize municipalities to continue to develop appropriate measures for accessible voting in consultation with their local Accessibility Advisory Committees or with people with disabilities in their communities. Subsection 7.1 should be revised to say, “Secure voting practices shall be implemented to enable persons with disabilities to vote privately and independently.”

Candidates in Municipal Elections and Political Parties in Provincial Elections (Subsection 7.2)

This provision states, “Municipal candidates in municipal elections ... shall provide their election and candidate material in a manner consistent with Section 5 and Schedule 1.”

While it does not directly impinge on the role of municipal election administrators, this provision may create the perception that the municipal clerk is in some way responsible for ensuring compliance. It will also present a barrier to individuals participating in the local democratic process. Many individuals who would like to run for municipal and school board positions will lack the resources to meet the requirement of Subsection 7.2.

Accordingly, AMCTO recommends that Subsection 7.2 be removed from the Standard. In the event that it remains, the Municipal Elections Act should be amended to increase campaign expense and contribution limits so candidates can raise the funds needed to cover the additional campaign costs.

Candidates Meetings (Subsection 7.3)

This provision states, "Political parties in provincial elections shall hold at least one meeting in a manner consistent with Section 5 and Schedule 1." We offer no comment beyond noting that candidates without any party affiliation would not be subject to Subsections 7.2 or 7.3 under the present wording of those provisions.

Definitions (Section 8.0)

We have no particular concern with the Definitions Section. We note, however, that:

- Some of the terms defined (e.g., "mobile digital media") do not actually appear in the Standard as currently worded.
- Some terms (e.g., "Braille-ready") are defined in Schedule 1 rather than in Section 8.0.
- Some definitions (e.g., "business enterprise systems") can be deleted if our recommendations for less prescriptive standards are accepted.
- Additional definitions (e.g., "municipality") are needed for reasons of clarity.

We ask the Standards Development Committee to give careful attention to this Section when the next version of the Standard is being prepared.

Technical Requirements (Schedule 1)

The consultation document indicates that the Committee is seeking input on whether the technical requirements should have additions or deletions. We have nothing to suggest in that regard. However, pursuant to our point about the negative effects of overly prescriptive requirements, we recommend that the contents of Schedule 1 not appear in the Regulation itself, but in a guideline or other implementation support document. We also recommend that this document include a plain language guide or guides to the technical requirements to head off concerns arising simply because municipal staff cannot understand the proposed requirements and what they entail in terms of operational changes and costs. "A Layperson's Guide to Website Accessibility" would be particularly beneficial. AMCTO will be pleased to convey such information to our members through such vehicles as our bimonthly magazine, our annual conference and our Zone meetings.

Boards, Commissions, Authorities and Agencies (Schedule 2)

We have no substantive comment to offer on this part of the Standard since it deals exclusively with provincial organizations. However, we ask the Standards Development Committee and the Ministry to remember the confusion that has arisen with the Accessibility Standards for Customer Service Regulation from the failure to define the term "municipality" to include local boards as defined in the Municipal Affairs Act.

Such are AMCTO's comments on the proposed Accessible Information & Communications Standard. We would like to take this opportunity to offer suggestions for improving the process for developing and implementing standards under the Accessibility for Ontarians with Disabilities Act.

Suggestions for Improved AODA Process

Our first suggestion relates to the piecemeal manner in which standards are being developed. This is complicating the tasks of commenting on the documents and planning for their implementation. We endorse the suggestion made by the Association of Municipalities of Ontario that the two further standards that are close to completion—Transportation and Employment—be released as soon as they are ready and that the Government wait until the review period for the final standard—Built Environment—is concluded before issuing the four remaining standards as Regulations.

Second, we suggest that once the Government has made its policy decisions for the four remaining standards, the Regulations to make them law be issued in draft form. This is already the process mandated for all other types of Regulations issued under the Accessibility for Ontarians with Disabilities Act. The scrutiny of the legal text would help avoid the problems that have arisen with Ontario Regulation 429/07: Accessibility Standards for Customer Service, which, for example, makes municipalities and other service providers responsible for training staff of contractors even though the latter will themselves come under the Regulation two years later.

Third, we suggest that costing estimates be provided to the Standards Development Committee before any proposed Standard is released. This was not done in the case of the Accessible Information & Communications Standard. In a previous submission, we urged the Province to commit to providing financial assistance to municipalities for Accessibility Standards for Customer Service if actual costs turn out to be significantly higher than indicated by the costing research. We are now making the same request with respect to the Accessible Information & Communications Standard and other remaining standards.

Fourth, we urge the Ministry to allocate sufficient staff and financial resources so that implementation support materials (guides, training, etc.) are available in a timely manner. This did not happen with the Accessible Customer Service Standards. O.R. 429/07 was filed in July 2007, but the support package did not become available until December 2008, only a year before municipalities must fully comply. The delay in this instance greatly complicated municipal efforts to plan and budget for implementation of the Regulation. Such delays drive up costs for municipalities. The KPMG costing report (p. 54) notes, "The ADO advised KPMG that it anticipates developing a set of standard policies and adaptable templates to assist organizations in meeting the Organizational Requirements under Section 2.0 ..., which will obviate the need for municipalities to develop their own policies."

Fifth, we suggest that the Government clarify the reporting and enforcement mechanisms that it intends to use to ensure compliance with the AODA Regulations. Municipalities need to know what form compliance reports will take, how the Accessibility for Ontarians with

Disabilities Act and the Ontario Human Rights Code will intersect, which tribunals will be designated for appeals and how the administrative penalties provisions of the Act will be used. They need to know this **now**. All public sector organizations must be in full compliance with O.R. 429/09 less than a year from today.

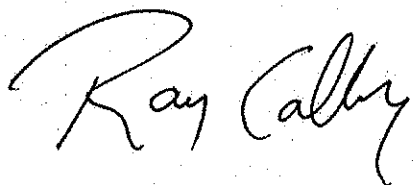
Finally, we note that Section 41 of the Act requires the Government to "appoint a person who shall undertake a comprehensive review of the effectiveness of this Act and the regulations" within four years after the Act comes into force. Since the Act came into force on June 13, 2005, this presumably means that a review will be initiated later this year. We suggest that the person conducting the review be asked to consider the five recommendations presented immediately above. AMCTO will be pleased to elaborate on our recommendations in the course of the review.

Conclusion

AMCTO supports the orderly implementation of the Accessibility for Ontarians with Disabilities Act and its Regulations in the municipal sector. We have outlined the concerns we have with the proposed Information & Communications Standard and have offered recommendations for improvements. Our nominee on the Information and Communications Standards Committee will be pleased to clarify any aspects of the submission when the Committee reconvenes on February 26. Once the Standard becomes law, AMCTO will support its implementation through our Toolkit website, training programs and input to the Accessibility Directorate on support materials.

In the meantime, we would be pleased to answer any questions you or your staff may have about this submission.

Yours truly,



Raymond D. Callery, CMO
President

c.c.: Honourable Jim Watson, Minister of Municipal Affairs and Housing
Peter Hume, President, Association of Municipalities of Ontario
Kelly Paleczny, Chair, Ontario Public Transit Association
Bernie Morelli, President, Ontario Association of Police Services Boards
Richard Boyes, President, Ontario Association of Fire Chiefs
Cindy Weir, President, Ontario Public Library Association
Nick Benkovich, President, Ontario Municipal Water Association
Sue Nicholson, President, Ontario Business Improvement Area Association
Carol Timmings, President, Ontario Public Health Association
Len Crispino, President & CEO, Ontario Chamber of Commerce