



Sent via fax
416-325-3347

December 15, 2006

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

Dear Minister:

Re: AMO Response to the Initial Proposed Customer Service Standard

The Association of Municipalities of Ontario (AMO) appreciates the opportunity to provide comments on the Initial Proposed Customer Service Standard (CS-S) as developed under the *Accessibility for Ontarians with Disabilities Act (AODA)*.

As you are aware, Walt Visser, member of the AMO Barrier Free Access Working Group and municipal councillor from the Township of Centre Wellington had the privilege to participate on the Customer Service Standard Committee. We are pleased that the Ministry of Community and Social Services has acknowledged the value and importance of municipal input to this process. As you know, municipalities remain at the forefront of providing barrier free access to citizens with disabilities in their communities.

As such, we believe that our comments are invaluable to ensuring that municipalities are able to sustain their efforts in creating accessible communities and to achieving the long term objectives of the AODA.

Principles

AMO supports the principles of accessible customer service for persons with disabilities: dignity, equity, inclusion, independence, responsiveness and sensitivity, as we support the spirit and intent of the AODA. What we recognize as being essential to achieving these principles and the long-term objectives of the Act, is a balanced, measured and sustainable approach that can maintain the progress necessary to fulfill the desired vision.

The challenge ultimately lies in some of the decisions that shape the path to the vision; the key one being that the AODA is not supported by a realistic means to realizing it-specifically, sustainable funding. As it stands, municipalities, who are leaders in laying the foundations for accessibility and barrier free communities may now be hampered and sanctioned in their efforts.

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General Comments

AMO appreciates the flexibility inherent in the CS-S. Flexibility, while also reflective of the Act, recognizes the need that for municipalities to successfully and reasonably enact the Standard requires that this be carried out in a manner that responds to local needs, capacities and resources.

However, it should be noted, that we are tasked with trying to understand the scope and impact of the CS-S in the absence of the remaining standards - both common and sector-specific. This exercise is at best intuitively bad practice and at worst, potentially costly and counterproductive.

As such, we recommend for you to consider the following:

- Municipalities are currently faced with a significant “fiscal imbalance”. Municipalities are challenged with infrastructure deficit, expectations for service standard compliance requirements and the untenable provincial requirement of funding social and health services from the municipal property tax base. The current arrangements are not sustainable and do not work for people in our communities. It is difficult to imagine that adding the cost of implementing this important piece of legislation to the overburdened property tax payer has been clearly thought out. In light of the current fiscal realities facing municipalities, it is essential that new legislated standard requirements be accompanied by sustainable funding.
- The cost of compliance will be an issue of significant concern, particularly when one considers the cumulative cost impact of complying with all the common and sector specific standards, notwithstanding that it is argued that the cost will be incurred over time and that pay back, both in terms of economic activity and having a more inclusive society is assumed. The impact will vary depending on the operating and fiscal environment of each municipality. Fundamentally however, the Province is placing expectations - fulfilled through compliance and enforcement-on municipalities without reasonableness nor funding.
- Consideration should be given, as a minimum, to the four common standards being completed before any one of the standards take effect, a need that is supported by the following:
 - the clear link or interdependency of the standards, e.g. compliance under customer service standards may be defined/influenced by a standard under the built environment standard
 - the need to ensure consistency (or reconciliation) of “class” definitions for respective standards
 - the need to ensure consistency in compliance dates for linked standards
 - the need to ensure consistency in terms of terminology, definitions and presentation
 - the need to consider the cumulative financial impact of all standards, particularly in determining compliance dates and class definitions and the expected resulting need to prioritize competing standards.

- The respective standards and/or development process has to define how standard compliance is to be reconciled and/or harmonized with existing legislated requirements/ standards, e.g. Ontario Building Code, *Highway Traffic Act*.
- The process of assessing compliance should be one that is supportive versus one seen as punitive. If the Ministry proceeds with a staggered development and implementation of Standards, AMO recommends that compliance and enforcement not be operationalized until the final Standard has been developed and has taken effect. This provides for fairness and reasonableness, allowing for municipalities to adjust business practices and budgets accordingly. It also diminishes a siloed approach to an Act that is dependent on coordination to be most effective.

Standard Specific Comments

AMO has heard that the desire by some is to have the Ministry create standardized performance targets or measurements. While AMO recognizes the importance of demonstrating progress, we fundamentally reject idea that the Ministry be given the task of determining municipal practices - who will be developing, implementing and paying for the implementation of the AODA - unless municipalities enter into a funded service agreement with the Province to deliver the objectives of the Act.

If at any time performance targets or measures are contemplated, the guiding principle should be that flexibility - reflecting local needs, capacity and resources - be given in reaching the objective of the standard requirement. Compliance time frames - in addition to comments made above - should be specific to the type of service and be reflective of the diversity and fiscal and operational capacity of individual municipalities. Furthermore, the contemplation of any targets and measures should be carried out in partnership with AMO and municipalities.

As referenced, critical to compliance will be the issue of costs. A read of the "readiness assessment and costing analysis" report attaching to the Customer Service Standard raises significant questions as to the relative value or purpose of the report, noting:

- one needs to consider the cumulative financial impact of all standards in assessing the impact and compliance of the standards;
- the costing analysis was based on the current iteration and the interpretation of the proposed standards and the interpretation was not intended to be a legal interpretation of the standard requirements;
- by costing, transit, education and municipalities cumulatively, there is insufficient detail provided in support of the true cost of implementing the Standard, both in terms of the calculations and the impact on specific to municipalities.

Accordingly, the document should not be relied on as support for the sustainability of the standard or for setting realistic timelines. Furthermore, any considerations regarding compliance or enforcement can only occur in conjunction with a true and accurate analysis or inventory of projected municipal costs for implementation.

- AMO is concerned with the potential implications associated with the definition of and the requirement of "providing equivalent customer services", specifically; "having similar or identical effects". The reference to both "similar" and "identical" appears to be competing and raises the opportunity for conflict. The issue of equivalent should either be deleted from the standard, and future standards or referenced as "equal treatment", with the understanding that equity may sometimes require unequal or different treatment.
- Implementation of the Standard is reliant upon training. AMO is concerned with the recommended timelines for training, i.e. small organizations (in terms of employee size) are provided 5 years, while larger organizations in excess of 500 employees have only 3 years. The shorter time period for larger organizations will create service, logistics and incremental cost issues recognizing staff are generally not replaced while in training. Furthermore, it must be recognized that although a municipality in total may have a specific number of employees, the municipal reality is that budget processes are related to specific departments and spending areas. Therefore, while a municipality, for example, may have a total of 300 employees, budget decisions and business practices are based on departments rather than the municipality as a whole. Training timelines, as with implementation timelines and class specifications, must be flexible and reflect local needs, capacities and resources.

Finally, while AMO has expressed its support for the principles and spirit of the AODA, we have indicated that the success of the legislation hinges on the need for a realistic means to implementation-sustainable funding. In support of this recommendation, we add that the training, education and marketing of the AODA be funded and provided by the Ministry of Community and Social Services-a reasonable request that reflects that provincial legislation be appropriately supported by provincial funding.

On behalf of AMO, we thank you for the opportunity to comment on the proposed Standard and anticipate that our comments and recommendations can support you in implementing the legislation as it fully deserves and needs to be. We welcome any comments or questions on our submission.

Sincerely,



Doug Reycraft
President

cc. Hon. John Gerretsen, Minister of Municipal Affairs and Housing
Andrew Posluns, Director, Urban Affairs & Stakeholder Relations Branch, MMAH
Scot Weeres, Director, Standards, Development and Compliance Branch, MCSS
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AMO Barrier Free Access Working Group