



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

ONTARIO HUMAN RIGHTS COMMISSION
Submission to the
Ministry of Community and Social Services
Regarding
The Final Proposed Accessible Transportation Standard
March 31, 2009

The Ontario Human Rights Commission would like to congratulate the members of the Accessible Transportation Standards Development Committee for all their hard work in developing the most recent Proposed Accessible Transportation Standard. This Standard is a vast improvement over the initial standard proposed to government in 2007 and hopefully will become an important driver of change once passed into regulation under the *Accessibility for Ontarians with Disabilities Act* (AODA) 2005. The Commission would, however, like to raise a number of concerns.

AODA standards must set out a clear context so that persons and organizations are aware of the full extent of their legal obligations.

The **Preface** of the Transportation Standard should specifically identify the Ontario *Human Rights Code* where it sets out that the Standard be read in conjunction with other AODA standards and other applicable legislation and regulations.

Moreover, the Standard should identify the relevant human rights principles necessary for **interpreting** the Standard overall and the relationship between each of its parts. Human rights law has confirmed a number of principles that form part of the duty to accommodate persons with disabilities:

- Identify and remove existing barriers
- Design inclusively and universally so that persons with disabilities can participate in an integrated fashion as much as possible
- Create no new barriers
- Take up shared responsibility in the accommodation process which involves individual assessment, consideration and implementation of ideal or next best solutions and interim measures, short of undue hardship, having regard for cost, health and safety
- Realize standards progressively
- All the while minimizing burden and maximizing confidentiality and respect for persons with disabilities

While the Standard sets out specific accessibility requirements for fixed route conventional systems, para-transit service, and other forms including on-demand taxis service, the Standard fails to identify that transportation providers must continuously strive to move away from segregated services towards maximizing an integrated approach for all. In the words of the Committee, “conventional public transit services shall be the primary accessible service. Specialized transit services shall be the primary service available to those unable to use the conventional system or where specialized transit is the only public transportation service available.”

The Standard is also not explicit about the need to consider and put in place interim or “next-best” measures so that accessibility is realized progressively and enjoyed over time while moving towards or phasing in ideal standards. And while more reasonable timelines have now been proposed, the principle of interim measures might help determine timelines for those standards where the Committee could not reach

consensus. The availability of sufficient financial resources will of course also have an impact on implementation.

The Commission finds the guiding principles identified by the Standards Development Committee in its November 18, 2008 letter of transmittal particularly helpful and would strongly recommend they be adapted as interpretive principles into the final regulation.

The Commission is pleased to see that the proposed standard has adopted the **definition** of disability from the *Human Rights Code*. The definition of “accessible fixed route public transit” in section 2 should, in addition to buses, also include reference to streetcars and subways.

The Commission is also pleased to see that **standard 4** on general requirements addresses fare and fee parity between riders with and without disabilities. However, it only requires that “policies and procedures” be established immediately. The Standard should also be clear that such policies and procedures must be immediately put into practice. Additionally, because standard 4 is entitled “General Requirements”, it may not be clear why it only applies to on-demand taxi, booked vehicle, and “other” passenger transportation services, leaving “fare” parity between para-transit and fixed route buses, streetcars, subways, etc., to section 7.13.

Standard 4 should also set out another general requirement that all information available to passengers be accessible in alternate formats, or alternatively, address this at relevant sections throughout the standards including: section 5.6 for information regarding accessible services, section 6.3 for route and destination signage, section 7.3 for para-transit eligibility decisions, etc.

Standard 5.1 and 5.3 should include commuter rail in the classes of services required to offer assistance with boarding/de-boarding and storage of assistive devices to at least those passengers who use transportable mobility aids on accessible cars identified under standard 6.14.

Standard 5.4 proposes a one year timeline for implementing audible announcements for all stops, by verbal or electronic means. This standard was already addressed by the Commission in the *Lepofsky* cases before the Human Rights Tribunal of Ontario in 2006 and 2007 and should now be an immediate requirement for all transit providers across the province within 30 days of passing the regulation.

Standard 5.5 appropriately requires no fare be charged for a support person riding with a disabled passenger but does not set out an implementation timeline. No more than one year should be sufficient time for transit providers to adopt or adapt any necessary assessment procedure for identifying passengers who require support persons. A principle similar to this standard is recognized in the decision of the Canadian Transportation Agency No. 6-AT-A-2008 against Air Canada.

Standard 5.7 addressing maintenance of accessible equipment should also require that the status of equipment failures, such as elevator breakdowns, be announced to passengers in alternate formats as soon as they become known.

The Commission is pleased to see that **standard 6.1** now requires that accessible vehicle standards apply to all “purchases” whether they be new or used vehicles. And while it is understandable the standard permits the honouring of contractual obligations existing at the date the regulation is passed, the proposed timeline appears to mean that transit providers could continue to enter into inaccessible vehicle contracts for two more years. The standard should conform to the principle “create no new barriers” and prohibit contracts for inaccessible vehicles from the date the regulation is passed.

Furthermore, the standard requires that only “plans” to retrofit or replace inaccessible vehicles be “developed and maintained” within two years, with the requirement for an accessible fleet in 14 years. Nor is there a defined threshold for what constitutes a retrofit. Altogether, this could lead to situations where vehicles are retrofitted now without new accessibility features and then only properly retrofitted or replaced with accessible vehicles just prior to the end of the 14 year timeline.

In order to conform to the principles of “interim measures” and “create no new barriers”, standard 6 must require that any future retrofit or purchased vehicle (new and used) immediately abide by the rest of the section 6 and other relevant accessibility requirements such as standard 5.4 on electronic announcements. This will ensure progressive realization of the standard during its 14 year timeline for entire fleet accessibility and is in keeping with the 2007 ruling of the Supreme Court of Canada against VIA Rail after it had purchased inaccessible used train cars. The Court found that the transportation service must take a universal rather than a segregated approach to accessibility, and not perpetuate or create new barriers when it purchases vehicles.

The **standard 6.3** requirement for accessible route and destination signage should also require at least some signage be positioned so that persons with low vision may walk up to read closely at eye level.

The timeline for **standard 6.4**, which requires audible pre-boarding route or destination announcements, should be the same as the Commission is calling for under standard 5.4 on stops announcements – audible announcements within 30 days consistent with the *Lepofsky* decision, and electronically within six years consistent with standard 5.4.

The **standard 6.12** requirement for emergency response controls should be broadened to apply to all classes of transit vehicles including subway, commuter and inter-city rail and ferries.

Standard 6.14 requires that commuter and inter-city rail shall have a minimum of one “transportable mobility aid accessible rail car per train”. However, it does not apply to light rail. Also, no set timeline has been proposed. The standard goes on to require all rail cars, except commuter rail, to be accessible to transportable mobility aids. Again, no

set timeline has been proposed. One accessible car per train may be viewed as an interim measure while moving towards the inclusive goal of all rail cars being accessible. These standards must apply to all forms of rail cars. In addition, any future retrofit or purchase of rail cars will need to meet the relevant standards requirements to be consistent with the principles of “create no new barriers” and “progressive realization”, as well as the decision of the Supreme Court of Canada in *Via Rail*.

Standard 7.1 stipulates that conventional route transit providers shall provide accessible public transit services to passengers with disabilities comparable to the level of service provided to other passengers. This standard might be clarified further by either merging in, or having it followed by, standard 7.6, which describes this alternate type of transit service as “origin to destination” or more commonly known as “special” or “para-transit.”

Moreover, it must be made clear that the application of standard 7 is governed by the duty to accommodate and the principles of inclusive design, integration and interim measures, which the Commission is calling to be set out for interpreting the entire Standard. This recognizes that providers must continuously move towards maximizing the accessibility of their conventional system while offering para-transit as a “next-best” accommodation.

In addition, standard 7.1 identifies no timeline requirement for making para-transit service available, though ultimately, it would be driven by proposed timelines for same day and hours of service under standards 7.8, 7.9 and 7.10.

The requirement under **standard 7.2** to develop accessibility policies and plans within two years for para-transit should be set out in the Standard as a requirement for the conventional transit system as well.

The timeline under **standard 7.5** for visitor eligibility should be at least the same as permanent resident eligibility under standard 7.4 or better, if visitors already have proof of eligibility from another jurisdiction.

The undetermined timeline for **standard 7.10** regarding reservation systems should take into account the Commission’s 2004 settlement with the City of Hamilton’s DARTS para-transit service and the Ministry of Transportation.

Standard 7.11, which requires that para-transit allow passengers to ride with dependent children if necessary safety restraints are in place, should also require that new purchase (new and used) or retrofit vehicles be equipped with said restraints.

Standard 7.12, which requires that accessible information be provided for service delays, should also set out a standard and a timeline for achieving what is an acceptable minimum delay, and in doing so, be guided by similar standards developed in other jurisdictions.

Standard 7.13 only requires “base fare” parity to be implemented within two years for single-tier municipalities and six years for multi-tier municipalities, and does not address “fee” parity at all. The right to fare and fee parity for passengers with disabilities was already addressed by the Commission in a 2002 settlement with the Toronto Transit Commission and should now be an immediate requirement for all transit providers across the province.

Standard 8.1 sets out requirements for on-demand taxi service with wheelchair accessible taxis and taxis with accessibility features by the end of five years. A stipulation should be added that such vehicles be sufficient in number so as to provide comparable service in terms of average wait times, etc. The Commission would also recommend an additional standard be developed for municipal taxi licensing criteria that would give priority to new or renewal applications that offer wheelchair accessible vehicles.

Standards 9 and 11 addressing booked transit and other services should also require information be made available in accessible formats, and a 30 day timeline for any verbal announcements consistent with the *Lepofsky* decision and the Commission’s comment under standards 4 and 5.4.

The Commission is pleased to see that **standard 10** on school transportation services recognizes the principle of first providing accessible integrated services unless alternative service would be in the best interest of a student with a disability.

While the intent of **Annex A** is to set out that accessible public transportation services may need to be delivered through a flexible mix of service options and vehicles, from fixed route through door-to-door, it too fails to acknowledge the principles of inclusive design, integration and interim measures as overall interpretive principles and goals for accessible public transportation services.

The Commission shares the concerns raised by the Accessible Transportation Standards Development Committee in its letter of transmittal with respect to: cross-sectoral standards to deal with consistency and harmonization, economic benefit of a barrier-free society, compliance and enforcement, funding, implementation guidance, inter-jurisdictional and intra-provincial travel, mobility aids standardization, recognition system for riders who require a support person or service animal, and user training.

Finally, the Commission asks that it have an opportunity to review and provide comment to the Minister or the Minister’s delegate regarding legislative counsel’s final proposed Transportation Standard prior to it being enacted as regulation.



TOWN OF NEWMARKET

Anita Moore, AMCT
Town Clerk
905-953-5300, ext. 2202
amoore@newmarket.ca

March 19, 2009

Municipal Accessibility Advisory Committees Greater Toronto Area

Please find attached the Town of Newmarket's accessible stall signage currently used in Town-owned facilities and buildings. This sign provides a clear message to facility users of the role of the accessible washroom and the need to ensure its use is available.

The Town of Newmarket Accessibility Advisory Committee is pleased to provide you with this signage and offers it to you for your use, should it meet your needs.

Since the signs were installed in all Town of Newmarket facilities in December 2008, the public's awareness on this issue has risen. The Newmarket AAC will also be forwarding the sign to other Newmarket establishments such as Upper Canada Mall for their own reproduction and use of same, if desired. In April 2009, the sign will be displayed at the Newmarket Chamber of Commerce's Home Show and we hope to gain the interest of establishments such as churches, businesses, schools, etc. in displaying signs such as these.

We wish you well in your endeavours to promote accessibility in your community.

Best Wishes

Cindy Gorlewski
Chair
Newmarket Accessibility Advisory Committee

Newmarket's vision: A community well beyond the ordinary

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VISIT OUR WEBSITE AT: www.newmarket.ca



**Please Keep
Accessible
Stalls VACANT
For Patrons
With Limited
ABILITIES**

**Ministry of Community and Social
Services**

**Ministère des Services sociaux et
communautaires**



Assistant Deputy Minister

Sous-ministre adjointe

Accessibility Directorate
of Ontario

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pour l'Ontario

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Dear Accessibility Advisory Committee Chairs,

We are pleased to announce that the Accessibility Directorate of Ontario will be presenting a series of five regional forums for members and Chairs of municipal Accessibility Advisory Committees. The location and dates for the regional forums are as follows:

Thunder Bay - Friday, May 1
North Bay - Wednesday, May 13
London - Friday, May 29
Toronto - Monday, June 1
Ottawa - Friday, June 5

The goals of the forum are:

- To support the efforts of municipalities to comply with the Accessibility Standards for Customer Service (customer service standard), and future accessibility standards under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).
- To strengthen the advisory role of municipal Accessibility Advisory Committees (AACs) and their capacity by increasing their understanding of their role in the implementation of the standards under the AODA.
- To provide opportunity for networking by sharing information, effective strategies, best practices and resources.

An advisory group comprising of Chairs and members of municipal AACs has been meeting since January and has been providing the Accessibility Directorate with advice on the content, format and resources for the workshops.

Program highlights will include an overview of the accessibility standards for customer service; the launch of a handbook for municipal AACs entitled *Making Accessibility Happen: A Guide to Serving on a Municipal Accessibility Advisory Committee*; and a keynote speaker on Universal Design, which should be of particular interest to AAC members.

You will hear presentations from a panel on:

1. Approaches to strengthening the AAC advisory role,
2. Working effectively with City Council,
3. Effective strategies for implementing accessibility standards.

As well, members of Minister Meilleur's Accessibility Standards Advisory Council will provide an update on the development of accessibility standards under the AODA.

Questions regarding the forums may be directed to aacforums@ontario.ca or by telephone at 416-325-6258.

Sincerely,

Ellen Waxman

Accessibility Advisory Committees (AACs)
Regional Forums

Supporting Accessible Municipalities in Ontario

Brought to you by the Accessibility Directorate of Ontario

- o Learn effective strategies and smart practices
- o Network and share information with other municipalities in your region
- o Find out about available resources to help you comply with the customer service standard

Program Highlights

- o Accessibility Standards for Customer Service:
 - o Requirements and Compliance Assistance Resources
- o Launch of the handbook **Making Accessibility Happen: A Guide to Serving on a Municipal Accessibility Advisory Committee**
- o Keynote Speaker: **Howard Gerry – Inclusive Design Professional, Artist and Educator**
- o Panel presentations on:
 - o approaches to strengthening the AAC advisory role
 - o working effectively with council
 - o tips on successfully implementing accessibility standards

Please note that in consideration of those with allergies and respiratory problems, this forum is a scent-free event.

City	Registration Deadline	Location	Session Date
Thunder Bay	April 24	Valhalla Inn	May 1
North Bay	May 4	Best Western North Bay Hotel & Conference Centre	May 13
London	May 20	London Convention Centre	May 29
Toronto	May 21	Metro Toronto Convention Centre	June 1
Ottawa	May 27	Hampton Inn Ottawa & Conference Centre	June 5

Please note that the Accessibility Directorate of Ontario will not cover costs related to lodging or travel.

Register Now
<http://aacforums.ca/>

Important Notices:

If any of your Accessibility Advisory Committee colleagues do not have access to the internet or email, please distribute the attached poster and registration form. The Accessibility Directorate will also accept registrations by phone or fax.

The attached poster contains the same information as the text above. The attached registration form contains the same information as the online registration form.

Accessibility Advisory Committees (AACs) Regional Forums

Thunder Bay

May 1, 2009

Valhalla Inn

1 Valhalla Road, Thunder Bay

9:30 am – 10:00 am

Registration and Continental Breakfast

10:00 am – 10:10 am

Welcome & Introduction

Accessibility Directorate of Ontario

10:10 am – 10:15 am

Video Greeting

The Honourable Madeleine Meilleur,
Minister of Community and Social Services

10:15 am – 11:15 am

Presentation

The Accessibility for Ontarians with Disabilities Act & Customer Service Standard

- Phillipa Lue, Manager (A)
Accessibility Directorate of Ontario
- Question and Answer

11:15 am – 11:30 am

Break

11:30 am – 12:30 pm

Keynote Speaker Presentation

“Accessibility and Inclusive Design”

- Howard Gerry, Associate Professor, Faculty of Design,
Ontario College of Art and Design

12:30 pm – 1:30 pm

Lunch

1:30 pm – 2:30 pm

Panel Presentation

- Betty Stone, AAC Chair, City of Temiskaming Shores
- Tessa Soderberg, AAC Co-Chair, City of Thunder Bay
- Anne Marie Portelance, AAC Chair, Town of Hearst

2:30 pm – 2:45 pm

Break

2:45 pm – 3:15 pm

Q and A Panel

- Betty Stone, AAC Chair, City of Temiskaming Shores
- Tessa Soderberg, AAC Co-Chair, City of Thunder Bay
- Anne Marie Portelance, AAC Chair, Town of Hearst

3:15 pm – 3:30 pm

Wrap Up



April 24, 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 Employment Accessibility 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—to offer comments on the proposed Employment Accessibility Standard that you released on February 18. You have our earlier submissions on the Customer Service, Information & Communications and Transportation Standards.

AMCTO and the AODA

We have previously expressed our support for the Accessibility for Ontarians with Disabilities Act, 2005, and the Government's 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:

- Forming a Municipal Accessibility Working Group to advise the association on our efforts to help municipalities implement the AODA
- Nominating members to your Transportation, Customer Service 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 in 2008-2009 for 1,000 municipal staff in workshops held across the province
- Launching, maintaining and marketing the Municipal Accessibility Toolkit Website at www.accessiblemunicipalities.ca
- Making suggestions to your ministry for clarifying amendments to the Accessible Ontario Regulation 429/07: Accessibility Standards for Customer Service
- Providing input to the Accessibility Directorate of Ontario on its draft implementation material for this standard
- Delivering an Accessible Customer Service Forum attended by 100 municipal accessibility coordinators from across the province on March 24, 2009

AMCTO (ASSOCIATION OF MUNICIPAL MANAGERS, CLERKS AND TREASURERS OF ONTARIO)

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As you know, the training, website and forum initiatives were delivered in partnership with your ministry, for which we are grateful. Your own participation in the March 24 forum was greatly appreciated.

In this submission, we wish to offer our general observations on the proposed Employment Accessibility Standard, our comments on a couple of the specific provisions and our suggestions for how the remaining process for AODA implementation could be improved.

General Assessment of the Employment Standard

AMCTO supports the objective behind the proposed Employment Accessibility Standard—"the prevention, identification and removal of barriers across all stages of the employment life cycle for persons with disabilities." The integration of persons into the work force not only benefits those individuals, but also gives municipal and other employers access to an "undertapped" pool of talent. We also support the components in the standard that afford employers flexibility, including the exclusion of volunteer and other non-employee positions from the standard, the provision that information is to be provided on request (section 4) and the recognition of individual accommodation as a key component.

We understand that the proposed Employment Accessibility Standard to a great extent simply codifies what is already the law in Ontario under the Human Rights Code as interpreted by the Human Rights Commission and the courts over the years, and many of the policies and practices referred to in the standard are already in place in many municipalities.

That being the case, it leads us to ask whether an Employment Accessibility Standard under the AODA is actually needed and, if it is, whether it has to form part of the initial package of regulations. The existence of two sets of employment rights, complaint mechanisms and enforcement regimes—one under the AODA, the other under the HRC—will create uncertainty for all parties concerned—employers, persons with disabilities, the Accessibility Directorate of Ontario, the Human Rights Commission and the Human Rights Tribunal. We are not necessarily opposed to the issuance of an Employment Accessibility Standard under the AODA, but would ask that the SDC and the ministry carefully consider whether the value added by the duplication of the well-established employment rights system within the Human Rights Code would be worth the effort and cost that a new regulation would entail.

If the conclusion is that a regulation must be issued now, we would ask the SDC and the ministry to consider whether all the documentation requirements in the current document need to appear in the regulation. We are referring to such provisions as subsection 3.3, "Accessible employment policies," 4.1, "Providing accommodation to potential employees," 4.2, "Job information requirements," 5.1 "Providing individual

accommodation plans for employees," 5.2, "Orientation requirements" and 5.5, "Return to work (Non-WSIB) requirements." We do not dispute the desirability of having such documentation in place. The concern is with the workload challenge that these requirements will pose for municipal administrators when they are working to implement the full AODA regulation package over the next few years. All of the compliance deadlines in the proposed Employment Accessibility Standard are five years or less, and of the 150 requirements contained in the first four standards issued or proposed to date, 140 also have deadlines of five years or less. We recommend that the SDC and the ministry consider phasing in the more onerous requirements for the Employment Accessibility Standard closer to 2025 than 2009.

We note that the standards development committee said that it had not had an opportunity to fully consider the proposed Information & Communications Standard but went on to include provisions in the Employment Accessibility Standard requiring employers to comply with the I&C standard. You have our submission of January 30 (as well as submissions from many other organizations) raising concerns about the Information & Communications Standard in its current form. We trust that the Employment Accessibility standards development committee and the ministry will take account of this input when discussion of the Employment Accessibility Standard resumes.

We would like to express reservations about the costing report on the Employment Accessibility Standard prepared for the ministry by the consulting firm of Deloitte. We do not understand the consultant's decision to exclude from the analysis the costs of individual accommodations or of the intersection of the Employment Standard with the Customer Service, Information & Communications and Built Environment Standard. Nor do we understand the statement "that ensuring compliance with the standard is not a 'net new' cost to the organization; rather it is a shift in the deployment of resources." We do agree, however, with Deloitte's observation that "smaller organizations will likely need greater support from the Government of Ontario to comply with the standard given their limited in-house human resources expertise," and urge the Government to consider such assistance as well as longer compliance time lines for smaller municipalities.

Comments on Specific Provisions

Two of the provisions in the proposed Employment Accessibility Standard caught our attention as particularly problematic.

Section 2, "Classes of obligated organizations," lumps all public sector organizations into a single class. We believe that the standard should take into account the varying resources of organizations in the public sector, as the standards development committee has recommended for the private sector. 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 the same pace as a provincial ministry with thousands of employees and a budget of hundreds of millions of dollars.

We recommend that Class F 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. (We leave it to the Province and the other players in the broader public sector to decide what additional classes may be required.) Compliance deadlines for the first class (provincial ministries and agencies) should be at least one year in advance of those for the first class, and the deadline for the second class, at least one year in advance of the third. The rationale for staging implementation in this manner is to facilitate implementation in the municipal sector. Municipalities would benefit from the policies, practices, procedures and training materials developed by the Province, and the process would be repeated as smaller municipalities “borrow” from larger municipalities.

Subsection 4.3, “Recruitment requirements,” states, “When recruiting, organizations shall provide information, including contact details, about the employment opportunity to organizations that provide employment services for persons with disabilities.” The expectation here is unclear to us. In conjunction with the proposed Information & Communications Standard, the provision could be interpreted as requiring all employers to advertise all job openings through a range of organizations. If that is the intent, the Province should assume the responsibility and cost of establishing a comprehensive job information exchange system and not expect individual employers to locate and maintain direct liaison with dozens of employment service organizations.

Suggestions for Improving the AODA Process

Such are our comments on the proposed Employment Accessibility Standard. We take this opportunity to reiterate some suggestions made previously for improving the process for developing and implementing standards under the AODA.

We continue to support the recommendation made by the Association of Municipalities of Ontario that the Province wait until the review period for the final standard—Built Environment—is concluded before issuing any remaining standards as regulations. The piecemeal manner in which standards have been developed to this point has greatly complicated the task of analyzing, commenting on and planning for the implementation of the standards. Treating the standards as a coordinated package would allow the Government to ensure consistency among terms and definitions (e.g., “support person”) and develop an orderly rollout for compliance that would minimize costs to service providers while realizing the vision of a barrier-free Ontario by 2025.

Second, once the Government has made its policy decisions for the four remaining standards, the regulation or regulations should be released in draft form. This is already the

process mandated for all other types of regulations issued under the AODA. Public scrutiny of the legal text before it becomes law would help avoid the problems that have arisen with Ontario Regulation 429/07: Accessibility Standards for Customer Service. As we noted in our previous brief, the regulation makes municipalities and other service providers responsible for training staff of contractor firms even though the latter will come under the regulation two years later.

Third, 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. Regulation 429/07, and the delay complicated efforts to plan and budget for implementation. One way to avoid a recurrence is to have the clock for future compliance deadlines start ticking from the day that the ministry certifies that the compliance package is complete rather than the day on which the regulation is filed. This will be particularly important for the Employment Accessibility Standard in light of the assumption underlying the Deloitte study that the Government of Ontario, ADO (and other applicable organizations) will be able to provide tools and materials related to policy and procedure development, training, and indicators of progress as required under the standard. Therefore, organizations will not be accountable for the design or development of these requirements and costs will be limited to the effort required for delivery (including printing/intranet deployment, communicating and tracking participation).

Fourth, 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 since they must be in full compliance with O.R. 429/09 less than nine months from today.

Finally, we note that section 41 of the AODA 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 recommendations presented immediately above.

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 Employment Accessibility Standard and offered recommendations for improvements. 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,

A handwritten signature in black ink, reading "Ray Callery". The signature is fluid and cursive, with the first name "Ray" and last name "Callery" clearly distinguishable.

Raymond D. Callery, CMO
President

c.c.: Honourable Jim Watson, Minister of Municipal Affairs and Housing
Peter Hume, President, Association of Municipalities of Ontario
John Fleck, President, Ontario Municipal Human Resources Association
Antoinette Blunt, MPA, CHRP, President, Human Resources Professionals
Association
Len Crispino, President & CEO, Ontario Chamber of Commerce

April 24, 2009

Regional Councillor Vito Spatafora
Chair, York Region Accessibility Advisory Committee
Box 300, 225 East Beaver Creek Road
Richmond Hill, ON L4C 4Y5

Dear Regional Councillor Spatafora:

Re: National Access Awareness Week

Regional Council at its meeting on April 23, 2009, had before it for consideration your communication dated March 26, 2009, requesting that Council recognize May 24 - May 30, 2009 as National Access Awareness Week.

Your communication was received and it was Council's decision to recognize May 24 – May 30, 2009 as National Access Awareness Week.

Sincerely,

ORIGINAL SIGNED

Denis Kelly
Regional Clerk

DK/lmb