

6

UPDATE ON THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005 - INTEGRATED ACCESSIBILITY STANDARDS REGULATION (ONTARIO REGULATION 191/11)

The Community and Health Services Committee recommends the adoption of the recommendation contained in the following report dated August 18, 2011, from the Commissioner of Community and Health Services.

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk forward this report to the York Region Accessibility Advisory Committee, the Municipal Staff Reference Group, local municipalities and their Accessibility Advisory Committees, and The Regional Municipality of York Police Services Board for their information.

2. PURPOSE

This report provides an update to Regional Council on the obligations of the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11) under the *Accessibility for Ontarians with Disabilities Act, 2005*.

3. BACKGROUND

York Region must comply with the Accessibility for Ontarians with Disabilities Act, 2005 and the Ontarians with Disabilities Act, 2001

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) establishes the goal of an accessible Ontario by 2025. This will be achieved through the implementation of mandatory accessibility standards relating to customer service, transportation, information and communications, employment and the built environment. Both public and private sector organizations will be required to implement these standards in phases.

The AODA will eventually replace the *Ontarians with Disabilities Act, 2001* (ODA). However, until the Province repeals the ODA, all public sector organizations, including York Region, must continue to comply with both Acts simultaneously. This includes the implementation of annual accessibility plans.

Unlike the ODA, the AODA includes enforcement provisions including administrative penalties and the designation of a tribunal to hear appeals.

The following table summarizes the current status of the five accessibility standards under the AODA:

Table 1
Status of the Accessibility Standards under the AODA

AODA Standard	Purpose	Status
Accessibility Standards for Customer Service Regulation (429/07)	This was the first AODA standard to become law and came into force January 1, 2008. Its purpose is to make the customer service operations of organizations accessible for people with disabilities.	York Region achieved compliance by January 1, 2010, as required by law. An Accessibility Report was submitted to the Province by March 31, 2010.
Integrated Accessibility Standards Regulation (191/11)	Information and Communications, Employment and Transportation Standards are integrated into one regulation. These standards address the accessibility of information, employment and transportation services in an effort to make these areas more accessible to people with disabilities.	Came into force July 1, 2011.
Proposed Accessible Built Environment Standard (ABES)	The purpose of this standard is to prevent and remove barriers in buildings and outdoor spaces for people with disabilities. The standard will only apply to new construction and extensive renovation.	The Ontario Building Code will need to be harmonized with the ABES; recent amendments to the Code did not include ABES requirements. Work is continuing on this standard.

4. ANALYSIS AND OPTIONS

York Region in good position to respond to Integrated Accessibility Standards Regulation

The Integrated Accessibility Standards Regulation (IASR) came into force on July 1, 2011, with staggered compliance dates from July 1, 2011, to January 1, 2021. The compliance dates for the requirements listed in this report are indicated in brackets.

The IASR is divided into five sections:

- General
- Information and Communications Standard
- Employment Standard
- Transportation Standard, and
- Compliance

The General section explains the relationship between the IASR and the Ontario Human Rights Code and harmonizes common requirements across the three standards to reduce burden and cost. Some of the requirements are:

- Development of policies to support each standard (January 1, 2013)
- Training of employees on the requirements of the IASR and the Code that is appropriate to their duties (January 1, 2014)
- Establishing and maintaining a multi-year accessibility plan outlining strategies to prevent and remove barriers (January 1, 2013)
- Incorporating accessibility criteria and features when procuring or acquiring goods, services, facilities or self-service kiosks (January 1, 2013)

The Information and Communications Standard outlines how organizations will be required to create, provide and receive information and communications in ways that are accessible to people with disabilities. The requirements include:

- An overall feedback process that is accessible to people with disabilities (January 1, 2014)
- Accessible formats and communication supports upon request. An example of a communication support is a sign language interpreter (January 1, 2015)
- Emergency and public safety information in accessible formats, upon request (January 1, 2012)
- Specific accessible requirements for new websites and web content published on a website after January 1, 2012 (January 1, 2014)
- Various requirements that are specific to the public and private educational and library sector

The Employment Standard builds upon organizations' existing requirements under the Ontario Human Rights Code to accommodate people with disabilities. Some of the requirements that employers must comply with are as follows:

- Establish an accessible recruitment process and ensure that accessible formats and communication supports are available for employees and prospective employees (January 1, 2014)
- Develop and communicate workplace emergency response information for employees with disabilities (January 1, 2012)
- Establish a formal employee accommodation process, including documented individualized accommodation plans (January 1, 2014)
- Establish a return to work process for employees absent from work due to a disability and who require disability related accommodations (January 1, 2014)
- Ensure that accommodation needs are taken into account in performance management, career development and redeployment processes (January 1, 2014)

The Transportation Standard will make it easier for people to travel in Ontario. It applies to YRT, VIVA and Mobility Plus services (public passenger transportation services under provincial and municipal jurisdiction), ferries, other public transportation services (e.g. school buses) and municipalities that license taxicabs. Some of the transportation requirements are:

- Transportation-specific training that includes training on the safe use of accessibility equipment and emergency preparedness (January 1, 2014)
- Transportation-specific accessibility plans that include steps to reduce wait times for specialized transportation services (January 1, 2013)
- Alternative methods of accessible transportation in the event of a service disruption (July 1, 2013)
- No charge for a support person accompanying a person with a disability (January 1, 2014)
- Fare parity for conventional and specialized transportation within a jurisdiction (January 1, 2013)
- Accessible pre-boarding route or destination announcements and on-board announcements of stops and connections (verbal: July 1, 2011 and electronic: January 1, 2017)
- Standardized categories of eligibility to access specialized transportation services (January 1, 2014)
- Coordinated service between adjacent municipalities (January 1, 2013)
- Booking requirements, including same day service (January 1, 2014)
- All new buses purchased after July 1, 2011 (that are not under contractual obligation) must meet the new accessibility technical requirements identified in the standard

Overall, York Region is in a good position to meet the requirements of the IASR. Many of the requirements have already been implemented or planned as a result of Transportation Services Department's ongoing collaboration with the York Region

Accessibility Advisory Committee and the Region's accessibility planning process under the ODA. The Region also reviewed, assessed and responded to the draft standards throughout the development process and anticipated many of the Regulation's requirements.

Integrated Accessibility Standards Regulation includes enforcement provisions

In addition to regulating the three accessibility standards, the IASR also implements two key components of the AODA Compliance Assurance Framework:

- Designating the Licence Appeal Tribunal to hear appeals of director's orders
- Establishing monetary penalties to deal with non-compliance

For individuals or unincorporated organizations, the legislated penalties range from \$200 to \$2000; for corporations they range from \$500 to \$15,000. If the impact of the contravention and the contravention history are determined to be major, the penalty can be treated as a daily penalty to a maximum of \$50,000 for an individual or unincorporated organization, and a maximum of \$100,000 for corporations.

Key implications for York Region

Some key operational business implications for York Region include the following:

Development of Policies:

Policies and processes will need to be developed, approved by Regional Council and implemented across all departments regarding how the Region will meet the requirements of the Regulation. For example, these policies will include corporate direction on responding to requests for accessible formats of information, incorporating accessibility criteria into the purchase of the Region's goods or services, and establishing training responsibilities and processes. Policies must be in place by January 1, 2013.

Multi-Year Accessibility Planning:

Under this Regulation, accessibility planning will shift from an annual to a multi-year format. This multi-year accessibility plan will need to be reviewed and updated at least once every five years, with an annual progress report. The new format comes into effect January 1, 2013. However, since the ODA has not yet been repealed, the accessibility planning requirements of the ODA are still in force and will need to be incorporated into our accessibility planning efforts. Under the Regulation, transportation service providers have additional accessibility planning requirements.

Training:

Training of all employees, volunteers and those providing goods, services or facilities on our behalf is required. This training must cover the requirements of the Regulation and the *Human Rights Code* as it pertains to people with disabilities. A training strategy will need to be developed to ensure compliance with this requirement by January 1, 2014.

Under the Regulation, transportation service providers have additional training requirements for employees and volunteers who work for conventional and specialized transit.

Cost Assessment:

The Province did not announce any accompanying funding to implement the requirements of the Regulation. An assessment of cost implications is underway.

Staff are currently assessing the requirements of the IASR and will report back to Council and to other committees of Council, as appropriate.

York Region has an implementation process in place

The AODA Implementation Framework outlines the corporate implementation process for each standard under the AODA and identifies key roles and responsibilities of lead and supporting departments.

The Community and Health Services Department is responsible for the corporate coordination and implementation, development of policies and procedures, and compliance reporting for all standards under the AODA. This is done in collaboration with the Lead Department for each standard.

The Lead Department is the department primarily responsible for the work of the standard within the corporation and coordinates the implementation of the standard's compliance activities. Table 2 shows the departmental lead for each standard:

Table 2
Departmental Leads for AODA Standards

AODA Standard	Department Responsible
Accessibility Standards for Customer Service Regulation	Office of the Chief Administrative Officer
Transportation Standard	Transportation Services Department (Strategic Policy and Business Planning)
Information and Communications Standard	Office of the Chief Administrative Officer (Corporate Communication Services)
Employment Standard	Corporate Services Department (Human Resource Services and Legal Services)
Accessible Built Environment Standard	Corporate Services Department (Property Services)

5. FINANCIAL IMPLICATIONS

There is no provincial funding to support the implementation of the AODA

There are no financial implications associated with this report. York Region is responsible for costs associated with implementing the AODA regulations. The costs to implement the requirements of the Integrated Accessibility Standards Regulation will be assessed in collaboration with the Department Leads and incorporated into the Region's ongoing budget planning process. Any immediate cost implications for the 2012 budget that may be incurred will be included in relevant departmental budgets. These costs will be monitored and reported as part of implementation and compliance reporting processes.

6. LOCAL MUNICIPAL IMPACT

Under the AODA, each municipality must meet compliance with the Integrated Accessibility Standards Regulation. The Region will continue to build on the strong relationships and valuable networks already established in the local municipalities by continuing to meet and share reports, resources and information with the Municipal Staff Reference Group (a group comprised of staff responsible for implementing the ODA and AODA in the Regional and local municipalities, hospitals, school boards and York Regional Police), the local municipalities and their Accessibility Advisory Committees. These relationships will promote consistent attention to priorities across the Region and potentially mitigate costs as resources are developed and shared.

7. CONCLUSION

York Region is committed to creating barrier-free transportation services, accessible information and communications, and an accessible employment environment so that people with disabilities can live independently in safe and caring neighbourhoods. Implementing the accessibility requirements of both the ODA and AODA complements and enhances this commitment to residents and visitors alike.

Moving forward, the Region will continue to implement the requirements of the Accessibility Standards for Customer Service Regulation and the Integrated Accessibility Standards Regulation, integrating accessibility planning into business practices and processes across all departments.

The York Region Accessibility Advisory Committee will continue to play a critical role in making York Region accessible by providing input into the development, implementation and compliance with the standards under the AODA.

For more information on this report, please contact Lisa Gonsalves, Acting Managing Director, Strategic Service Integration and Policy Branch at Ext. 2090.

The Senior Management Group has reviewed this report.