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#### ACCESSIBILITY POLICY

**The Community and Health Services Committee recommends the adoption of the recommendations contained in the following report dated October 18, 2012, from the Commissioner of Community and Health Services.**

#### 1. RECOMMENDATIONS

It is recommended that:

1. Council endorse the proposed Accessibility Policy as outlined in *Council Attachment 1* of this report.
2. The Regional Clerk forward this report to the Municipal Staff Reference Group, local municipalities and their Accessibility Advisory Committees, the Regional Municipality of York Police Services Board and the York Region Accessibility Advisory Committee for their information.

#### 2. PURPOSE

This report outlines the proposed corporate Accessibility Policy, which is a requirement of the *Accessibility for Ontarians with Disabilities Act, 2005* and *Integrated Accessibility Standards, Ontario Regulation 191/11*.

#### 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 are required to implement these standards in phases. The AODA may eventually replace the *Ontarians with Disabilities Act, 2001* (ODA). However, until the Province repeals the ODA, all public sector organizations must continue to comply with both Acts simultaneously.

## **The Region embeds accessibility into core business practices**

Under the ODA and AODA, much progress has been made to make York Region more inviting and inclusive of people with disabilities. Since 2003, York Region has executed eight accessibility plans, which have included the development and implementation of over 700 accessibility-planning initiatives across all departments. The Region has integrated accessibility into the Region's core business practices and processes, with an ongoing commitment to making Regional programs, services and facilities accessible.

## **Accessibility Standards for Customer Service was the first regulation to be implemented under the AODA**

The *Accessibility Standards for Customer Service, Ontario Regulation 429/07* was the first regulation under the AODA to become law. Its purpose is to make the customer service operations of organizations accessible for people with disabilities. The Region achieved compliance with this regulation by January 1, 2010.

The Accessible Customer Service Policy was approved by Council in November 2009 as a requirement of the Regulation. It outlines the policies, practices and procedures required to provide accessible customer service to customers with disabilities.

## **York Region has begun implementing the requirements of the *Integrated Accessibility Standards Regulation***

The *Integrated Accessibility Standards, Ontario Regulation 191/11* (IASR) came into force on July 1, 2011, with staggered compliance dates to January 1, 2021. Under the IASR, Information and Communications, Employment and Transportation Standards are integrated into one regulation.

The IASR is divided into five sections:

1. 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, including the establishment of accessibility policies.
2. Information and Communications Standards – Outlines how organizations will be required to create, provide and receive information and communications in ways that are accessible to people with disabilities.
3. Employment Standards – Builds upon organizations' existing requirements under the Ontario *Human Rights Code* to accommodate people with disabilities.
4. Transportation Standards – Creates accessible conventional and specialized public passenger transportation services under provincial and municipal jurisdiction.
5. Compliance – Establishes monetary penalties to deal with non-compliance and the appeals process.

York Region has completed the individual 2011 and 2012 requirements of the IASR. The Province has indicated that the compliance report for these and the 2013 requirements may need to be filed as of December 31, 2013.

In September 2012, the Accessibility Directorate of Ontario conducted a file review on York Region and other organizations to confirm compliance with select requirements from enacted regulations under the AODA.

### **Work continues on proposed standards for the Built Environment**

The proposed Accessibility Standards for the Built Environment aims to remove accessibility barriers in public spaces and buildings. The draft standards for public spaces completed a public review period on October 1, 2012. York Region made recommendations to the Minister of Community and Social Services through a letter from Bill Fisch, Regional Chairman and CEO (see Report No. 8 of the Community and Health Services Committee meeting held October 10, 2012). Accessibility standards for buildings will be released at a later date through the *Ontario Building Code*.

## **4. ANALYSIS AND OPTIONS**

### **York Region must establish accessibility policies on how the Regulation requirements will be met**

Under the IASR, York Region must develop, implement and maintain policies on how the Region will meet its obligations under the Regulation. These policies must be in place by January 1, 2013. Although the IASR now includes specific requirements related to information and communications, and employment and transportation, the Region has already made progress in these areas as part of its ongoing business practices. The establishment of this accessibility policy will not necessarily mean new and different work but in many cases a refinement to our existing programs, services and practices.

Under the Employment Standards, for example, organizations must provide an emergency response plan for employees with a disability upon request. This has been a long-standing service to Regional employees that has now been formalized and communicated. In another example, the Information and Communications Standards require information to be available in accessible formats upon request. Again, the IASR offers the opportunity to refine and communicate Regional processes already in place to respond to requests for accessible formats and communication supports from the public. The Transportation Standards include accessibility initiatives completed or planned as part of the Region's ongoing commitment to providing accessible transit services.

### **Proposed policy combines all AODA standards under one umbrella**

The Government of Ontario was obligated to meet this IASR requirement one year in advance of municipalities. The Province has grouped all accessibility standards under one policy umbrella. *Ontario's Accessibility Plan: Directives and Policies* ([ontario.ca](http://ontario.ca)) outlines policies and directives that support Customer Service, Information and Communications, and Employment requirements. Transportation standards deal mainly with services at the municipal level and are not included in the Provincial policy.

Using the Provincial format as a guideline, the proposed York Region Accessibility Policy includes the requirements of all AODA standards under one policy.

### **Accessibility Policy affirms York Region's commitment to meet the needs of people with disabilities in a timely manner**

The proposed Accessibility Policy (see *Council Attachment 1*) functions as an overarching policy for the requirements of the accessibility standards developed under the AODA. This policy now includes the corporate Accessible Customer Service Policy, which until now was a stand-alone policy.

Also included in the Accessibility Policy is a required statement of organizational commitment to meet the needs of people with disabilities in a timely manner, as follows:

*"The Regional Municipality of York is committed to meeting the accessibility needs of people with disabilities in a timely and proactive manner and will use reasonable efforts to provide equitable access to Regional programs, goods, services and facilities in a way that respects a person's dignity and independence."*

The content of the policy is in compliance with the requirements of the IASR and was developed using inter-jurisdictional best practice examples, the Province's compliance guidelines, the Region's strategic directions and priorities, and in consultation with the lead departments for each standard, the ODA/AODA Staff Committee and the York Region Accessibility Advisory Committee.

The overarching format of the policy establishes the Region's core accessibility principles, while allowing for the ongoing development of specific practices and procedures to achieve compliance with requirements of the Regulation over time. Each Regional department is responsible to ensure that its own policies, practices and procedures comply with those contained in this policy.

### **Accessibility Policy will be promoted to both Regional staff and the public**

A comprehensive communications strategy will be developed to promote the Accessibility Policy practices and procedures to both Regional staff and the public. This strategy will include communication and compliance supports to Regional departments who have individual responsibilities under the policy. As required by the IASR, documents that describe the Accessibility Policy will be available to the public and in accessible formats upon request.

### **Link to key Council-approved plans**

Actions to meet the requirements of the AODA support York Region's strategic direction and priorities included in *Vision 2051* and the *From Visions to Results: 2011-2015 Strategic Plan*, specifically in the priority area to "Improve Social and Health Supports."

These accessibility actions are also consistent with goals of the Community and Health Services Department *Multi-Year Plan* and help to foster social inclusion by addressing the needs of a growing and diverse community.

## **5. FINANCIAL IMPLICATIONS**

There is no provincial funding to support the implementation of regulations under the AODA.

Ongoing costs to administer and manage the implementation of AODA requirements are approved as part of annual business plans and budgets, and integrated as part of general operations.

Since 2003, the Region has approved a total of approximately \$144.9 million in funding for implementation of over 700 ODA and AODA initiatives. This amount has been offset by approximately \$50 million in provincial and federal funding. These costs were mainly related to transportation, housing and regional facility capital improvements which included some accessibility features.

The cost to implement the specific requirements under the AODA to date is approximately \$193,000. These costs were related to transportation and customer service requirements and were approved as part of department operating budgets. As the implementation of the standards under the IASR continues to rollout, budgetary impacts will be further assessed and reported to Council.

## **6. LOCAL MUNICIPAL IMPACT**

York Region will continue to build on the strong relationships and valuable networks already established across sectors and municipalities. Staff will continue to meet and share reports and information with the Municipal Staff Reference Group (which includes accessibility professionals from York Region, York Regional Police, local municipalities, school boards and hospitals) and local municipal Accessibility Advisory Committees

## **7. CONCLUSION**

York Region is a proven supporter of accessibility for everyone. With the ongoing implementation of the AODA, the Region continues to integrate accessibility planning into business practices and processes across all departments.

The York Region Accessibility Advisory Committee continues to play a critical role in making York Region accessible by providing direct input into the implementation, compliance and monitoring of all accessibility standards under the AODA.

This policy affirms York Region's commitment to meet the accessibility needs of people with disabilities so that all people may have equitable access to Regional programs, goods, services and facilities in a way that respects their dignity and independence.

The Accessibility Policy meets a compliance requirement of the *Integrated Accessibility Standards, Ontario Regulation 191/11*.

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

The Senior Management Group has reviewed this report.

*(The attachment referred to in this clause is attached to this report.)*



STATUS:      **Final/Draft/Archived (Select one)**  
**Council Approved:**      Y      N  
**CAO Approved:**      Y      N

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## POLICY STATEMENT

The Regional Municipality of York is committed to meeting the accessibility needs of people with disabilities in a timely and proactive manner and will use reasonable efforts to provide equitable access to Regional programs, goods, services and facilities in a way that respects a person's dignity and independence.

## APPLICATION

To all York Region Employees, Volunteers and Agents who provide goods, services or facilities on behalf of York Region, or who help develop policies for the organization.

## PURPOSE

This policy identifies how York Region achieves and maintains accessibility by meeting the requirements of the accessibility standards of the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA"), the *Accessibility Standards for Customer Service, Ontario Regulation 429/07* ("ASCS"), the *Integrated Accessibility Standards, Ontario Regulation 191/11* ("IASR") and future regulations as amended.

## DEFINITIONS

### Accessibility Plan

A document approved by Regional Council and made available to the public that includes:

- (a) the Region's strategy to identify, remove and prevent barriers to people with disabilities and meet its requirements under the enacted regulations of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), and
- (b) all other information and actions required under the *Ontarians with Disabilities Act, 2001* (ODA) and AODA.

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## **Accessibility Standard**

A rule that persons and organizations must follow to identify, remove and prevent barriers to accessibility.

## **Accessible Formats**

May include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by people with disabilities.

## **Agent**

A third party individual or organization who deals directly with members of the public to provide a program, service or facility on behalf of York Region.

## **Barrier**

Anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including physical, architectural, information and communications, attitudinal, technological, policy or practice barriers.

## **Communication Supports**

May include, but is not limited to, captioning, augmentative sound devices, plain language, sign language and other supports that facilitate effective communications.

## **Conventional Transportation Services**

Public passenger transportation services on transit buses, motor coaches or rail-based transportation that are provided by a designated public sector transportation organization.

## **Disability (as defined in the Ontario *Human Rights Code*)**

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental impairment or a developmental disability;
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder; or

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- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

## Regional Department

For the purpose of this policy, a “Regional Department” refers to each the following:

- Community and Health Services Department
- Corporate Services Department
- Environmental Services Department
- Finance Department
- Office of the Chief Administrative Officer
- Office of the Regional Chair
- Transportation and Community Planning Department

## Specialized Transportation Services

Public passenger transportation services that are provided by a designated public sector transportation organization and are designed to transport persons with disabilities.

## DESCRIPTION

This Accessibility Policy functions as an overarching policy for the requirements of the accessibility standards developed under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA):

- Customer Service Standards (ASCR, O. Reg. 429/07)
- General Standards (IASR, O. Reg. 191/11)
- Information and Communications Standards (IASR, O. Reg. 191/11)
- Employment Standards (IASR, O. Reg. 191/11)
- Transportation Standards (IASR, O. Reg. 191/11)
- Built Environment (Design of Public Spaces) Standards (under development)

York Region achieves compliance with the AODA through the following directives:

### 1. Customer Service

York Region is committed to providing excellent customer service to everyone, including people with disabilities. When serving customers with disabilities, reasonable efforts shall be made to provide the same level of service given to other customers and service shall be provided in a manner that respects their dignity and independence. The Accessible Customer Service Policy governs how York Region offers goods and services to people with disabilities. See Reference: Accessible Customer Service Policy (No. 1385705).

## **2. Accessibility Planning**

York Region will establish, implement, maintain and document a multi-year accessibility plan in accordance with the AODA. The multi-year accessibility plan will outline the ways York Region will prevent and remove barriers and meet the requirements of the standards developed under the AODA.

The multi-year accessibility plan will be:

- Reviewed and updated at least every five years, and
- Established, reviewed and updated in consultation with persons with disabilities and the York Region Accessibility Advisory Committee.

An annual status report on the progress of measures taken to implement the multi-year accessibility plan will be prepared. The multi-year accessibility plan and accompanying status report will be posted to the Region's website and provided in an accessible format upon request.

## **3. Procurement/Self-Service Kiosks**

Where possible, Regional Departments will incorporate accessibility criteria and features when procuring or acquiring goods, services, facilities and self-service kiosks. If it is not practicable to do so, staff will provide an explanation, upon request.

## **4. Training**

All individuals to whom this policy applies will be trained in accordance with the regulations under the AODA. The Region will keep a record of the training provided, including the dates on which training is provided and the number of individuals trained.

## **5. Feedback**

York Region has processes for receiving and responding to feedback on the manner in which the Region provides goods and services to customers. Regional Departments will ensure that these feedback processes are accessible to people with disabilities by providing or arranging for the provision of accessible formats or communication supports upon request.

## **6. Accessible Formats and Communication Supports**

Regional Departments will upon request provide or arrange for the provision of accessible formats or communication supports for people with disabilities. This will be done in consultation with the person making the request, in a timely manner that takes into account the person's accessibility needs and (if the original product has a cost) at a cost that is no more than the regular cost charged to other persons.

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## 7. Websites and Web Content

Internet websites and web content controlled directly by York Region or through a contractual relationship that allows for modification of the product will conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level A and AA in accordance with the schedule set out in the Information and Communications Standards.

## 8. Employment

York Region will create an accessible work environment for all employees across the employment life cycle, in accordance with the requirements and timelines set out in the Employment Standards and existing requirements under the Ontario *Human Rights Code* to accommodate people with disabilities.

## 9. Accessible Transportation

The Region is committed to providing accessible public transportation services through both conventional and specialized transit services, in accordance with the Transportation Standards.

## RESPONSIBILITIES

Regional Council will adopt policies as required under the AODA.

York Region (including all Departments, Senior Management and Staff) will make sure that:

- All requirements of the ASCS, O. Reg. 429/07 under the AODA are met on an ongoing basis.
- All requirements of the IASR, O. Reg. 191/11 under the AODA are met on an ongoing basis in accordance with the timelines set out in the regulation.
- Departmental policies, practices and procedures are aligned with all requirements of the IASR, O. Reg. 191/11 under the AODA.
- Accessibility requirements related to the implementation of this policy are part of the annual budget and planning processes.

Regional Departmental Leads will act as corporate coordinators for designated standards under the AODA and are responsible for the coordination, implementation and monitoring of the legislated requirements of the AODA as follows:

- Office of the Chief Administrative Officer: Accessibility Standards for Customer Service
- Office of the Chief Administrative Officer: Information and Communications Standards
- Corporate Services Department: Employment Standards
- Transportation and Community Planning Department: Transportation Standards
- Corporate Services Department: Built Environment Standards (under development)

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The Community and Health Services Department will act as corporate coordinator for the AODA and is responsible for:

- The corporate coordination, development of policies and procedures, and monitoring of compliance for all regulations under the AODA, including the General Standards under the IASR.

Directors/Managers/Supervisors will be responsible for ensuring that:

- The implementation of the requirements of this policy is happening within their departments, branches and units.

ODA/AODA Staff Committee is responsible for:

- Leading their respective department in achieving compliance with the regulations under the AODA.

York Region Accessibility Advisory Committee is responsible for:

- Reviewing and advising Regional Council through the Community and Health Services Committee on how the Region is complying with the regulations under the AODA.

All Regional Employees are expected to comply with this policy.

## **NON-COMPLIANCE WITH POLICY**

Failure to comply with the AODA regulations can result in administrative penalties as defined in Part V: Compliance of the *Integrated Accessibility Standards, Ontario Regulation 191/11*. Employees who fail to comply with this policy may be subject to disciplinary action. Agents who fail to comply with this policy may be subject to contract termination.

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## REFERENCE

- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Ontarians with Disabilities Act, 2001*
- *Accessibility Standards for Customer Service, Ontario Regulation 429/07* made under the *Accessibility for Ontarians with Disabilities Act, 2005*
- *Integrated Accessibility Standards, Ontario Regulation 191/11* made under the *Accessibility for Ontarians with Disabilities Act, 2005*
- *Ontario Human Rights Code*
- Accessible Customer Service Policy (No. 1385705)
- Report No. 3 of the Community and Health Services Committee Regional Council Meeting of November 19, 2009: Accessible Customer Service Policy
- The Regional Municipality of York Multiple Format Guidelines, 2007
- The Regional Municipality of York Accessible Meeting Guidelines, 2007

## CONTACT

Program Manager ODA/AODA, Community and Health Services Department

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|------------------------------------|--------------------|-------------------|--------------|
| <b><u>APPROVAL INFORMATION</u></b> |                    |                   |              |
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