



STAFF REPORT ACTION REQUIRED

Accessibility Requirements: Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Date:	May 7, 2009
To:	Executive Committee
From:	Joseph Pennachetti, City Manager
Wards:	All
Reference Number:	

SUMMARY

This report recommends that City Council approve a *Statement of Commitment Regarding Persons with Disabilities* consistent with the principles and standards created under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA).

The AODA which applies to both the public and private sectors, provides for the development, implementation and enforcement of accessibility standards to achieve full accessibility in the province of Ontario by 2025. Standards are being established by regulation in five areas: Customer Service, Information and Communications, Built Environment, Employment and Transportation.

Regulations have been issued for Customer Service Standards and draft standards are in place for Information and Communications. It is anticipated that the standards for the remaining areas will be finalised by year end. A report on the overall status of compliance with AODA requirements is required in January 2010.

Ontario Human Rights legislation combined with City policies in access, equity and human rights, and the *Statement of Commitment Regarding Persons with Disabilities* provide an overarching policy framework to meet the requirements being developed under the AODA. The *Statement* guides the City in establishing policies, practices and procedures in providing goods and services, the provision of accessible information and communication, employment, buildings, structures and premises in a manner appropriate to persons with disabilities.

RECOMMENDATIONS

The City Manager recommends:

1. Toronto City Council endorse the *Statement of Commitment Regarding Persons with Disabilities* (Appendix A) for posting in City facilities;
2. the City Manager expedite the provision of a training program for staff who have responsibilities under the AODA;
3. the City Manager remind all Agencies, Boards, Commissions and Corporations to meet compliance requirements of the accessible standards established under the AODA; and
4. this report be forwarded to the City's Disability Issues Committee for information.

Financial Impact

There are no financial implications from the adoption of this report. In future, any financial impact arising from meeting the AODA compliance requirements associated with capital or operational activity will be addressed and forwarded to Council for consideration with the capital and operating budgets.

Equity Statement

The *Statement of Commitment Regarding Persons with Disabilities* affirms and strengthens the City's resolve to identify, remove and prevent barriers to access in services, policies and programs for people with disabilities, in accordance with the requirements of the Accessibility for Ontarians with Disability Act, 2005.

BACKGROUND

Legislative context

The Government of Ontario has approved two specific pieces of accessibility legislation: the Ontarians with Disabilities Act, 2001 (ODA) and the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). In addition, the requirements under the Ontario Human Rights Code to provide accommodation for people with disabilities remains in effect.

Under the ODA, the City is required to file an annual Accessibility Plan. The City of Toronto filed its first Accessibility Plan in 2003 with subsequent reports provided in October 2004, June 2006, September 2007 and September 2008.

The City's Accessibility Plan outlines City Council's commitment to becoming a barrier free city by enhancing accessibility to programs, services, employment and facilities. To Staff report for action on Accessibility Requirements: Accessibility for Ontarians with Disabilities Act, 2005

complement the Accessibility Plan, Accessibility Design Guidelines (ADG) were established in 2004 for use when renovating or building new municipal facilities. The Accessibility Plan is a component of City Council's over-arching Plan of Action for the Elimination of Racism and Discrimination.

The AODA complements the ODA and provides additional requirements. The AODA applies to both the public and private sectors with the overall goal of achieving accessibility standards across the province by 2025.

Appendix B provides links to the City's Accessibility Plan, implementation updates and the City's Accessibility Design Guidelines.

ISSUE BACKGROUND

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) establishes the development, implementation and enforcement of new accessibility standards for goods, services, communication and information, facilities, accommodation, employment, buildings, structures and premises.

Under the AODA, accessibility standards are being established in five areas: Customer Service, Information and Communications, Employment, Built Environment and Transportation. The AODA also provides penalties for organizations found guilty of an offence and are subject to fines of up to \$50,000 (person/organization) and \$100,000 (corporation) per day where the offence continues to occur. (AODA, Section 37(3)).

COMMENTS

(a) AODA - Standards Development Process

Standard development committees were established by the province to propose standards to remove barriers and prevent the creation of new barriers for people with disabilities. Standard development committees include persons with disabilities, industry and government representatives. City of Toronto staff have been participating on standard development committees. Proposed standards are circulated for public review from which comments are used to finalise a submission to the Minister of Community and Social Services.

(b) AODA Customer Service Standard

Regulations under the AODA for the customer service standard came into effect on January 1, 2008 and require public sector organizations to meet this standard by January 2010 and private sector organizations are to comply by 2012.

The core provisions of the AODA customer service standard require public sector organizations to:

- Provide persons with disabilities an opportunity equal to that given to others to obtain, use and benefit from the goods or services.
- Communicate its policies, practices and procedures and provide copies of these to any person requesting copies of these documents;
- Establish and document policies, practices and procedures to provide goods and services to people with disabilities which are consistent with the core principles of independence, dignity, integration and equality of opportunity;
- Permit the use of service animals or support persons, and facilitate alternative measures where the use of service animals is otherwise prohibited by law;
- Provide notice when facilities or services usually used by persons with disabilities are temporarily disrupted;
- Provide training to all persons (employees, agents, volunteers) who act on behalf of the organization and to all persons who participate in the development of policies, practices and procedures on the provision of goods and services as outlined in the customer service standard;
- Establish and advertise a process for receiving and responding to feedback about the manner in goods or services are provided to persons with disabilities.
- Document all policies, practices and procedures in a format that takes into account an individual's disability.

Appendix C provides a full list of actions required under AODA Accessible Customer Service Standards for public sector organizations. Appendix D provides highlights of the proposed AODA Standard for Information and Communication.

In June 2008, the City Manager requested City divisions to prepare for compliance with the accessible customer service standard by conducting reviews of policy and procedures reviews, developing accessible customer service training for operational staff and to provide input to all proposed accessibility standards.

(c) Statement of Commitment Regarding Persons with Disabilities

The proposed "*Statement of Commitment Regarding Persons with Disabilities*" articulates the City's commitment to meet compliance requirements of standards established under the AODA and to achieve its goal of becoming a barrier free city.

The *Statement* will guide City staff in establishing administrative policies, practices and procedures for providing goods and services, information and communications, employment and for ensuring that buildings, structures and premises meet the standards set for serving people with disabilities.

It is recommended that this *Statement* be approved by City Council and be posted in City facilities.

Proposed “Statement of Commitment Regarding Persons with Disabilities”:

Diverse communities and groups make up the population of Toronto. The City of Toronto values the contributions made by all its people and believes that diversity among its people has strengthened Toronto.

The City of Toronto is committed to building an inclusive society and providing an accessible environment in which all individuals, including people with disabilities have access to the City’s services and programs in a way that respects the dignity and independence of people with disabilities.

The City of Toronto supports the goals of the Accessibility for Ontarians with Disabilities Act (AODA) and will use reasonable efforts to establish policies, practices and procedures which are consistent with the accessibility standards established under the AODA, including accessible customer service, information and communication, employment, the built environment and transportation.

In working towards its goals under this Statement, the City of Toronto is committed to meeting the requirements of existing legislation and to its own policies and related to the identification, removal and prevention of barriers to people with disabilities.

Appendix A includes the proposed *Statement* and the list of policies which are covered.

(d) Training requirement under the Customer Service Standard

The Customer Service Standard requires that training be provided to all persons (employees, agents, volunteers) who participate in the development of policies, practices and procedures on the provision of goods and services.

Plans are underway to develop and deliver a corporate training program to assist staff with meeting AODA compliance requirements. The training program is required to promote an understanding of the purpose and vision of the Act, provide an overview of accessibility legislation and related regulations and to increase knowledge of needs of people with disabilities and the right to fair and equal treatment.

City divisions are in the process of developing accessible customer service training for staff responsible for the delivery of the City’s services and programs to its diverse populations.

(e) Standards under Development

Four remaining standards are being developed and are expected by the end of 2009.

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These standards will address the areas outlined below.

Information and Communication	Prevent and remove barriers to persons with disabilities when creating, procuring, conveying, receiving or distributing information and communication to and from persons with disabilities
Built Environment	Provide access to, from and within buildings, and outdoor street spaces such as pedestrian access routes and signal systems.
Employment	Meet requirements to remove barriers for people with disabilities in the workplace, throughout every step of employment, including recruitment, assessment, selection, hiring, retention, separation and termination.
Transportation	Remove barriers to public transportation, so people with disabilities can travel more easily in Ontario. The proposed standard outlines ways that buses, trains, taxis, subways, streetcars and ferries can be accessible to travelers with disabilities.

CONCLUSION

Ontario Human Rights legislation combined with City policies in access, equity and human rights, and the *Statement of Commitment Regarding Persons with Disabilities* provide an overarching policy framework to meet the requirements of the AODA. By implementing the standards set by the AODA, the City of Toronto can achieve its goal of becoming a barrier free city and can prevent the creation of new barriers for people with disabilities.

CONTACTS

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SIGNATURE

Joseph P. Pennachetti
City Manager

ATTACHMENTS

- Appendix A Statement of Commitment Regarding Persons with Disabilities
- Appendix B Links to City of Toronto's Accessibility Plan, status reports and the Accessibility Design Guidelines
- Appendix C Summary of Requirements - AODA: Accessible Customer Service Standard, Ontario Regulation 429/07
- Appendix D Highlights – Proposed AODA Standard for Information and Communications

APPENDIX A

Statement of Commitment Regarding Persons with Disabilities

Diverse communities and groups make up the population of Toronto. The City of Toronto values the contributions made by all its people and believes that diversity among its people has strengthened Toronto.

The City of Toronto is committed to building an inclusive society and providing an accessible environment in which all individuals, including people with disabilities have access to the City's services and programs in a way that respects the dignity and independence of people with disabilities.

The City of Toronto supports the goals of the Accessibility for Ontarians with Disabilities Act (AODA) and will use reasonable efforts to establish policies, practices and procedures which are consistent with the accessibility standards established under the AODA, including accessible customer service, information and communication, employment, the built environment and transportation.

In working towards its goals under this Statement, the City of Toronto is committed to meeting the requirements of existing legislation* and to its own policies** and related to the identification, removal and prevention of barriers to people with disabilities.

***Federal and Provincial Legislation**

- Charter of Rights and Freedoms
- Canadian Human Rights Act
- Ontario Human Rights Code
- Ontarians with Disabilities Act 2001
- Accessibility for Ontarians with Disabilities Act 2005
- Ontario Building Code

**** City of Toronto policies; Access and Equity Strategic Plans**

- Report of the Task Force on Access and Equity
- Plan of Action for the Elimination of Racism and Discrimination
- Vision Statement on Access, Equity and Diversity

Employment

Employment Equity Policy
Employment Accommodation Policy

Human Rights

Human Rights and Harassment Policy
Hate Activity Policy

People with Disabilities

Attendant Care Policy
Accessibility Plan
Accessibility Design Guidelines
Web Accessibility Statement
Planning Accessible Meetings – *intranet resource*
Guidelines on Making Meetings Accessible for People with Disabilities

Contracts and Suppliers

Non Discrimination Policy

Grants Recipients

Anti-Racism, Access and Equity Policy Guidelines for Grants Recipients
Non-Discrimination Policy

Appendix B

Links to City of Toronto's Accessibility Plan, status reports and the Accessibility Design Guidelines

Ontarians with Disabilities Act (ODA) – Submission of a City of Toronto Accessibility Plan <http://www.toronto.ca/diversity/accessibilityplan/index.htm>

2004 Implementation Update – City of Toronto Accessibility Plan
<http://www.toronto.ca/legdocs/2004/agendas/council/cc040928/pof7rpt/cl038.pdf>

2005 Implementation Status Report and Update of the City of Toronto Accessibility Plan
<http://www.toronto.ca/legdocs/2006/agendas/council/cc060627/pof5rpt/cl009.pdf>

2007-2008 Status Report and Update of the City of Toronto Accessibility Plan
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-6162.pdf>

Appendix 1 - City of Toronto Divisional Accessibility Plans
<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-6163.pdf>

2008 Annual Report – City of Toronto Accessibility Plan
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-15057.pdf>

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Appendix 1 – City of Toronto Divisional Accessibility Plans
<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-15058.pdf>

2008 Supplementary Report
<http://www.toronto.ca/legdocs/mmis/2008/cc/bgrd/backgroundfile-15724.pdf>

Accessibility Design Guidelines
http://www.toronto.ca/diversity/accessibility_design_guidelines.htm

Appendix C: Summary of Requirements - AODA: Accessible Customer Service Standard, Ontario Regulation 429/07

- 1) Establish policies, practices and procedures on providing goods or services to people with disabilities.
- 2) Set a policy on allowing people to use their own personal assistive devices to access your goods and use your services and about any other measures your organization offers (assistive devices, services, or methods) to enable them to access your goods and use your services.
- 3) Use reasonable efforts to ensure that your policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity.
- 4) Communicate with a person with a disability in a manner that takes into account his or her disability.
- 5) Train staff, volunteers, contractors and any other people who interact with the public or other third parties on your behalf on a number of topics as outlined in the customer service standard.
- 6) Train staff, volunteers, contractors and any other people who are involved in developing your policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard.
- 7) Allow people with disabilities to be accompanied by their guide dog or service animal in those areas of the premises you own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, use other measures to provide services to the person with a disability.
- 8) Permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties.

- 9) Where admission fees are charged, provide notice ahead of time on what admission, if any, would be charged for a support person of a person with a disability.
- 10) Provide notice when facilities or services that people with disabilities rely on to access or use your goods or services are temporarily disrupted.
- 11) Establish a process for people to provide feedback on how you provide goods or services to people with disabilities and how you will respond to any feedback and take action on any complaints. Make the information about your feedback process readily available to the public.

Added requirements for the City of Toronto:

- 1) Document in writing all your policies, practices and procedures for providing accessible customer service and meet other document requirements set out in the standard.
- 2) Notify customers that documents required under the customer service standard are available upon request.
- 3) When giving documents required under the customer service standard to a person with a disability, provide the information in a format that takes into account the person's disability.

For full details of the requirements of the Accessibility Standards for Customer Service (Ontario Regulation 429/07), Click on:
www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07429_e.htm

Appendix D Highlights – Proposed AODA Standard for Information and Communications

The Ontario government released a draft Accessible Information and Communications standard which outlines how businesses and organizations may be required to provide accessible public information in various formats such as online, print, verbal and digital. The intent of the Accessibility for Ontarians with Disabilities Act is that all members of society will have access to information and communication supports to fully benefit from services, facilities, and employment offered in Ontario.

The proposed Standard requires organizations to:

- Develop and maintain a statement which articulates the organization's commitment to meet the compliance requirements of the standard;

- Develop, implement and maintain policies, practices and procedures which prevent and remove barriers for people with disabilities when creating, procuring, conveying, receiving or distributing information to and from persons with disabilities;
- Communicate with a person with a disability in a manner that takes into account an individual's disability;
- Provide training and guidance to all persons (employees, agents, volunteers) who act on behalf of the organization and to all persons who are responsible for designing, providing, or receiving information and communications;
- Make all feedback and complaints processes accessible to persons with disabilities;
- Provide accessible alternate formats and communication supports and services for the public and for employees on emergency and public safety information, such as: evacuation procedures, workplace health and safety, and emergency preparedness; and,
- Meet technical requirements in providing accessible information and communications through new and existing websites and web content.

In addition, there are provisions for providers of health care services, education, educational libraries, legal services, financial services and members of regulated professions, to provide accessible information and communications in everyday interaction with people with disabilities.

In provincial elections, the proposed standard outlines the requirement for accessible election and candidate materials; and, that there be at least one accessible candidate meeting where persons with disabilities can participate fully. Secure voting methods are to be implemented to allow persons with disabilities to vote privately and independently.

For more information about the proposed Information and Communications Standard: <http://www.accesson.ca/ado/english/business/standards/information>