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UPDATE ON THE PROPOSED ACCESSIBLE INFORMATION AND COMMUNICATIONS AND EMPLOYMENT ACCESSIBILITY STANDARDS

The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report dated May 1, 2009, from the Commissioner of Community and Health Services.

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk forward this report to the local municipalities and their local Accessibility Advisory Committees and to the York Region Accessibility Advisory Committee for their information.

2. PURPOSE

The purpose of this report is to provide an update on the proposed Standards for Accessible Information and Communications and for Employment Accessibility under the *Accessibility for Ontarians with Disabilities Act, 2005*. It also outlines potential financial implications and regional plans for implementing the requirements of these standards.

3. BACKGROUND

Accessibility for Ontarians with Disabilities Act, 2005

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) came into effect on June 13, 2005. The AODA applies to both the public and private sectors and covers every aspect of life except private homes. The goal of the AODA is to ensure that all Ontarians with disabilities have full and equal access to goods, services, facilities, accommodation, employment, buildings, structures and premises by January 1, 2025. This goal will be achieved through the development, implementation and enforcement of provincially-set accessibility standards. 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 the Province has indicated that the ODA will remain in effect for the foreseeable future. Until all standards are finalized into regulation, all organizations, including local municipalities and the Region must continue to implement both Acts simultaneously.

AODA includes enforcement, compliance and penalties

Unlike the ODA, the AODA includes enforcement provisions. Enforcement will be through a process of reporting, inspection, investigation, compliance orders, and administrative penalties, for example:

- Organizations will be required to file accessibility reports.
- Inspectors may be appointed to verify compliance.
- Provincial Directors may issue orders and/or administrative penalties of \$50,000 to individuals and \$100,000 to corporations, per day, for each day the offence occurs.

The Province has not yet released details on the compliance reporting requirements.

The Accessibility Advisory Committee's role has been expanded

Under the AODA, the role of each municipal Accessibility Advisory Committee will change from advising municipal councils on their annual accessibility plans as required under the ODA, to reviewing and advising council on their municipalities' compliance with the new accessibility standards.

Until the ODA is repealed, Accessibility Advisory Committees will have responsibilities under both Acts.

4. ANALYSIS AND OPTIONS

Standard Development Committees established to develop AODA standards

Under the AODA, Provincial Standard Development Committees comprised of over 50% of persons with disabilities, sector professionals and government representatives were established in the following five areas:

1. Customer Service
2. Transportation
3. Information and Communications
4. Employment
5. Built Environment

Each standard development committee is responsible for the development of a proposed accessibility standard to submit to the Minister of Community and Social Services for public review and input. After a specified time of review, the public input is collected and the committee considers changes to the proposed standard before submitting it again to the Minister for consideration to be passed into law.

The Customer Service Regulation is the first standard to be passed as law

The Customer Service Regulation is Ontario's first accessibility standard. It came into effect on January 1, 2008. The standard states what businesses and other organizations in Ontario must do to make the provision of their goods and services more accessible to people with disabilities. The Regional Municipality of York, as a designated public sector organization under the AODA must, like all municipalities, comply with the Regulation by January 1, 2010. Implementation activities are well underway and are being led by the Office of the Chief Administrative Officer. The Community and Health Services Department will lead the development of policies and procedures for this and other regulatory standards. It is anticipated that Accessible Customer Service Training will be delivered to all staff and all other regulatory requirements, including the Accessible Customer Service corporate policy, will be completed by the compliance date of January 1, 2010.

Other Standards currently under development

The proposed Accessible Transportation Standard was submitted to the Minister of Community and Social Services for consideration and approval in November 2008. This standard could come into effect June 2009 or earlier and is the subject of a report going to Transit Committee on May 14, 2009.

The Accessible Built Environment Standard is under development. A further update will be provided at the time it is posted for public review.

The proposed Accessible Information and Communications and Employment Accessibility Standards, which have both been released for public review are discussed below and are the subject of this report.

The proposed Accessible Information and Communications Standard could come into effect this year

On November 17, 2008 the Ontario government released the proposed Accessible Information and Communications Standard for an 81-day public review period.

The proposed standard outlines how businesses and organizations will be required to provide accessible public information in various formats such as online, print, verbal and digital. Comments and feedback were received until February 6, 2009. Staff from York

Region provided feedback through participation on the Association of Municipalities of Ontario (AMO) Standard Development Resource Team, participation on the AMO Barrier Free Working Group and through other professional organizations.

The Standard Development Committee will use the feedback received during the review period to shape the final standard before submitting it to the government for

consideration as law. The Minister of Community and Social Services then has 90 days to decide whether the proposed standard should be adopted as regulation. This standard could come into effect this year.

Mandatory requirements of the proposed Information and Communications Standard for York Region and other broader public service organizations

The proposed standard is broad in scope and applies to all forms of communication for public and private sector organizations within Ontario with at least one employee. All public sector organizations must comply by December 31, 2011 (with the exception of the requirements for emergency and public safety information, which must comply within three months of the standard being adopted as regulation). The proposed standard sets out requirements for organizations to:

- Inform persons with disabilities that there is accessible information and communication available and have the capacity to provide information when requested in a format that takes into account the person's disability.
- Charge no more for alternate accessible formats than the regular cost paid by other consumers and respond in ways that provide the same level of service that others receive.
- Establish a user request, feedback and complaint process that allows persons with disabilities to identify their communication needs to the organization.
- Provide emergency and public safety information required under existing law to the public and employees in formats used by persons with disabilities.
- Develop, implement and maintain policies, procedures and practices to comply with the standard for accessible information and communication, for making a plain language communication available and for providing assistance upon request.
- Negotiate arrangements for obtaining communication supports and provide access to sign language interpretation, note-taking, real-time captioning services and a personal communication assistant if requested for any pre-arranged appointments that have significant personal impact for an individual and accept information through these alternative means of communication.
- Ensure that employees, volunteers and others who are responsible for designing or providing and receiving information and communication on behalf of the organization receive accessibility training.

- Ensure that municipal candidates and provincial parties provide election and candidate materials in accessible formats.
- Provide an accessible user interface and content file format by default to allow new and existing Information Technology-based information and communication to be accessible by employees or to the public.
- Ensure that newly acquired or existing business enterprise systems (e.g. payroll, accounting or human resources) provide accessible formats and methods of communication to employees or the public.

The proposed Employment Accessibility Standard could come into effect later this year

On February 18, 2009 the Ontario government released the proposed Employment Accessibility Standard for a 93-day public review period. The proposed standard outlines how organizations are to set out policies, procedures and requirements for the prevention, identification and removal of barriers across all steps of the employment life cycle for people with disabilities. Comments and feedback will be received until May 22, 2009. Staff from York Region have provided feedback through participation on the AMO Standard Development Resource Team, participation on the AMO Barrier Free Working Group and through other professional organizations.

The Standard Development Committee will then use the feedback received during the review period to shape the final standard before submitting it to the government for consideration as law. The Minister of Community and Social Services then has 90 days to decide whether the proposed standard should be adopted as regulation. This standard could come into effect later this year.

Key implications of the proposed Employment Accessibility Standard for York Region and other broader public service organizations

The proposed standard applies to both public and private (which includes for profit and not-for-profit) organizations providing paid employment within Ontario. All public sector organizations must comply within three years of the standard being adopted as regulation (with the exceptions of the requirements for accessible employment policies, which must comply within one year and emergency and public safety information requirements which must comply immediately after the standard has been adopted as regulation). The proposed standard sets out requirements for organizations to:

- Develop, implement and maintain accessible employment policies and provide employee training.

- Establish, implement and document a procedure that provides accommodation to applicants with disabilities to enable their participation in the recruitment, assessment, selection and hiring stages of the employment life cycle.
- Develop, implement and maintain a procedure for the establishment of individual accommodation plans when requested by an employee.
- Identify indicators of progress towards accessible employment and collect data that measures performance against selected indicators.

Implementation Roles and Responsibilities within York Region

The Corporate Services Department, specifically Human Resource Services and the Legal Services Branches, is responsible for leading and monitoring the implementation of the Employment Accessibility regulatory standard across the corporation.

The Chief Administrative Officer's Office, specifically Corporate Communications Services, is responsible for leading and monitoring the implementation of the Accessible Information and Communications regulatory standard across the corporation.

The Community and Health Services Department will be responsible for the coordination and development of corporate policies as well as reviewing regional departments' compliance for both standards and all future regulations under the AODA.

As both standards are rolled out, the lead departments must ensure that policies, procedures and practices that are to be developed and implemented do not negatively impact the AODA Customer Service Regulation or any other regulation under the AODA.

5. FINANCIAL IMPLICATIONS

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

The Province has provided estimated costs of compliance for each draft standard, however as these standards are passed into law, costs will have to be reassessed to determine the actual costs of compliance for York Region.

Under the proposed Information and Communications standard, the Province has estimated the cost of compliance for a municipality to range from 1% to 3% of its annual operating costs. Based on this estimation, 1% to 3% of York Region's 2009 Operating Budget could represent \$13.5 million to \$40.5 million.

The proposed Accessible Information and Communications Standard as written does not appear to contain any grandfathering clauses. Therefore, existing public information and

communications, including websites, will all have to meet the requirements of the standard. To put in context, York Region has more than 4,000 html web pages and more than 20,000 pdf web pages that would need to be reviewed for accessibility.

Under the proposed Employment Accessibility Standard, the Province has estimated the cost of compliance at a one time start up cost of \$2,940,600. Organizations will have to determine ongoing costs thereafter.

6. LOCAL MUNICIPAL IMPACT

Local municipalities will face many of the same cost and resource implementation challenges as York Region in implementing the proposed Accessible Information and Communications and the Employment Accessibility Standards.

The Municipal Staff Reference Group, which is led by the Region, is comprised of those responsible for implementing the requirements of the ODA and the AODA in all of its nine municipalities and broader sectors such as hospitals and school boards. The group meets to exchange information and share ideas regarding implementation activities. Six municipalities in the northern part of the Region have formulated a group and coordinated efforts to meet the implementation requirements of the AODA Customer Service Regulation. The other three municipalities, and the Region, are in the process of establishing their own strategies for implementation. York Region will continue to meet with and share reports/information with the Municipal Staff Reference Group and their Accessibility Advisory Committees.

7. CONCLUSION

York Region continues to demonstrate support of accessibility for all of its residents and is proud of the progress made to date to make the Region more inclusive and welcoming of people with disabilities.

In moving forward in implementing the standards under the AODA, the Region will continue to integrate accessibility planning into business practices and processes across all departments.

For more information on this report, please contact Cordelia Abankwa-Harris, Managing Director, Strategic Service Integration and Policy Branch at Ext. 2150.

The Senior Management Group has reviewed this report.