

5

UPDATE ON THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005—ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE (ONTARIO REGULATION 429/07)

The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report, October 30, 2008, 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 updated information on obligations connected to the *Accessibility for Ontarians with Disabilities Act, 2005*, specifically the Accessibility Standards for Customer Service (Ontario Regulation 429/07).

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 increments that could range from as little as six months to a maximum of five years.

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 released details on compliance reporting requirements. It is expected that these details will be provided closer to the compliance dates.

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 be responsible for both functions.

4. ANALYSIS AND OPTIONS

Standard Development Committees established to develop AODA standards

Under the AODA, Provincial Standard Development Committees were established between 2006 and 2007 in the following five areas:

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

In January 2008, the Ministry of Community and Social Services adjusted the membership of these committees to ensure that half the members of each committee were persons with disabilities.

Each standard has a unique scope and timeline for implementation. The Customer Service Regulation is Ontario's first accessibility standard. It came into effect on January 1, 2008. This 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 scope of the Transportation Standard covers accessibility requirements for a broad range of public transportation services under provincial and municipal jurisdiction in Ontario, such as:

- Accessibility features of transportation vehicles.
- Practices and procedures for providing services to people with disabilities.
- Service criteria and outcomes for the delivery of accessible public transit services (including specialized transit for people with disabilities).
- Emergency preparedness and response requirements for the transportation providers.

The proposed Transportation Standard was first released for public review in June 2007. Feedback was compiled and considered by the Transportation Standards Development Committee. It is expected to be released for public review again in September 2008. The Transit Committee received an update on the status of the development of the Transportation Standard in Clause No. 3 of Report No. 7 on October 18, 2007.

The Standard for Accessible Information and Communications will lay out regulations to meet the goal of ensuring that all organizations make information and communication provided to customers through print, telephone, electronic formats and in person fully accessible.

The scope for the Accessible Built Environment Standard refers to access to, from and within buildings and outdoor spaces, life safety and emergency evacuation facilities, public parks, trails, streetscaping, bus stops, boarding platforms, multi residential occupancies and could include standards for heights, aisle/door widths, lighting, public address systems, parking, signs as well as pedestrian routes and signal systems.

The Employment Accessibility Standard will ensure that hiring and retention of employees is equitable and barrier-free, and could include employment practices, policies and processes.

York Region has developed a strategy to manage the rollout of standards as they are released.

The Customer Service Regulation is the first regulation to be implemented

The first regulation under the AODA, Accessibility Standards for Customer Service, was filed as Ontario Regulation 429/07 on July 27, 2007 and came into effect on January 1, 2008. The Regional Municipality of York, as a designated public sector organization under the AODA, must comply with Ontario Regulation 429/07 by January 1, 2010.

The purpose of the Customer Service Regulation is to make organizations' customer service operations accessible for people with disabilities by identifying and removing

barriers to customer services in operational practices, policies and procedures, communication and staff training.

Key implications of the Customer Service Regulation for York Region and other broader public service organizations

Under the Regulation, every provider of services must establish customer service policies, practices and procedures that incorporate the principles of dignity, independence, integration and equality.

The challenge of the Customer Service Regulation is that it is very broad and open to challenge and alternate interpretation. Nevertheless, in order to fully implement the new requirements of the Customer Service Regulation by January 1, 2010, York Region, like other broader public service organizations, must:

- Develop and/or amend policies, practices and procedures that are consistent with the core principles of independence, dignity, integration and equality of opportunity that are to be communicated to all staff.
- Review all current training materials to ensure they meet the requirements of the Customer Service Regulation.
- Train staff, including temporary or contract, volunteers and any persons involved in developing policies, practices and procedures on the provision of goods and services under the Customer Service Regulation.
- Train staff (temporary or contract), volunteers or any persons who interact with the public on the policies, practices and procedures as set out under the Customer Service Regulation.
- Provide information contained in a document in a format that takes into account a person's disability.
- Enabling the use of assistive devices by persons with disabilities to obtain, use or benefit from the provider's goods and services.
- Develop corporate policies addressing the use of service animals and support persons for persons with disabilities.
- Develop a standardized communication strategy that would address the issue of temporary disruptions of a particular facility or service used by a person with a disability.
- Establish a process for people to provide feedback on the provision of goods and services to people with disabilities, as well as a process to respond to any feedback and action taken on a complaint.

The Office of the CAO and the Community and Health Services Department are currently assessing the requirements of the Customer Service Regulation and will report back to Council and the York Region Accessibility Advisory Committee on the Region's implementation plans for this Regulation.

Coordination, regional implementation and monitoring of the AODA Standards will be led by the respective responsible departments

The coordination, regional implementation and monitoring of each standard will be led by the department that is primarily responsible for the work within the corporation. Table 1 shows the departmental lead for each standard:

Table 1
Departmental Lead for AODA Standards

AODA Standard	Department Responsible
Customer Service Regulation	Office of the Chief Administrative Officer
Accessible Transportation Standard	Transportation Services Department (Transit)
Accessible Information and Communications Standard	Office of the Chief Administrative Officer (Corporate Communications)
Accessible Built Environment Standard	Corporate Services Department (Property Services)
Employment Accessibility Standard	Corporate Services Department (Human Resources and Legal Services)

For any additional standards that are released in the future, lead departments will be identified.

The Community and Health Services Department will provide corporate coordination of regional policy and procedure development and compliance

The Community and Health Services Department is responsible for the corporate coordination and development of policies and procedures for all standards under the AODA, and will work with the lead departments to ensure a common approach. Every standard, including the Customer Service Regulation, will require the development of policies and procedures and compliance reporting. It will be key for departments to know how each of the other lead departments are implementing regulations to maintain internal consistency and to reduce duplication. As each standard is released, the Community and Health Services Department will ensure that Council is informed through joint reporting with the lead department.

Development of an AODA policy framework for York Region is underway

The development of an AODA corporate policy framework outlining the implementation process for these standards is currently underway. Within this framework the key roles and responsibilities of lead and supporting departments will be identified including the establishment of steering groups where standards require technical expertise and inter-departmental collaboration.

5. FINANCIAL IMPLICATIONS

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

The costs to make the Region accessible under the AODA can only be assessed incrementally as the Province releases the multiple standards and timetables for implementation, including the Customer Service Regulation.

An initial cost of \$133,000 for the development and delivery of the training modules for Regional staff as legislated under the Customer Service Regulation has been included in the 2009 proposed operating budget. This figure does not include staff time, ongoing training of new staff, or implementation of the other requirements of the Customer Service Regulation. Another assessment will be conducted in the third quarter to determine ongoing resource demands. In addition, it is estimated that it will cost \$65,000 to provide training for York Region Transit/VIVA contracted employees.

There will likely be additional administrative and program costs once the standards are released and compliance reporting requirements are known. Once these details are known, resource needs will be reviewed by the applicable departments and they will report back to Council on any resource implications.

6. LOCAL MUNICIPAL IMPACT

Local municipalities will face many of the same resource and implementation challenges as York Region in implementing the AODA. The Region will continue to build on the strong relationships and valuable networks already established in the local municipalities. This will be achieved by continuing to meet and share reports/information with the Municipal Staff Reference Group and the local municipalities and their Accessibility Advisory Committees.

7. CONCLUSION

York Region is a proven supporter of accessibility for all of its residents and is proud of the progress it has made to date to make the Region more inviting and more inclusive of people with disabilities – for those who live here, and for thousands of others who visit.

In moving forward in implementing the AODA, and specifically the Customer Service Regulation, the Region will continue to integrate 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 fully accessible by providing direct input into the development, implementation and enforcement of the accessibility standards under the AODA.

Report No. 7 of the Community Services and Housing Committee
Regional Council Meeting of November 20, 2008

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.