

MEMBER COMMUNICATION

ALERT N^o: 09/008

To the attention of the Clerk and Council
February 3, 2009

FOR MORE INFORMATION CONTACT:
Petra Wolfbeiss, AMO Senior Policy Advisor
(416) 971-9856 ext 329

AMO Expresses Concern, Provides Recommendations to Minister on Proposed AODA Information and Communications Standard

Issue:

In a [letter](#) to Madeleine Meilleur, Minister of Community and Social Services, AMO advises the Minister to consider the full impact of the proposed Information and Communications standard on municipal property taxes and local economies.

Background:

AMO has consistently expressed support for the principles espoused by the Accessibility for Ontarians with Disabilities Act (AODA) recognizing that Ontario's municipal sector has led the move toward improved accessibility in the province. However, AMO is concerned that the timelines, the scope and the cost of implementing the proposed standard as drafted will have detrimental impacts on municipal budgets and Ontario's economic competitiveness.

According to a KPMG report commissioned by the province, the anticipated cost of implementing the proposed standard, as drafted, for a sample, small municipality would be an increase of from 1% to 3% of its operating budget. Extrapolated province-wide, the implication for municipalities across the province could be an increase in operating costs of between \$300,000,000 and \$900,000,000 a year. Generating this additional revenue through municipal property taxes alone would require an increase in property tax revenue of 2%-6%. AMO is urging the province to consider all standards in the context of practicality and affordability.

AMO addressed and provided recommendations on the following areas of the draft standard:

- ***Upgrade of business enterprise systems***

AMO is recommending that Section 4.0 be removed from the I&C draft standard and considered under the Employment Standard which is currently under development. We are also recommending that given the significant cost impact associated with business enterprise systems, future recommendations for business enterprise system upgrades be carried out on a go forward basis with a compliance date of 2025, allowing new and emerging technology to be adopted through normal replacement cycles.

- **Accessible formats and methods**

AMO is recommending that a further costing analysis be conducted that is reflective of size and capacity of organizations to comply with the requirements under the proposed standard. Further, that section 5 be revised to state that “upon request” should be interpreted as having capacity under reasonable time-lines to provide alternative formats on an as needed and individualized basis.

- **Training of all municipal staff in requirements of the standard**

AMO is recommending to the province that in the absence of a harmonized approach to the implementation of all standards, the province should undertake to organize and support standardized training for public sector organizations.

- **Staggered compliance dates across sectors**

AMO is recommending that the compliance dates be revised to reflect a reasonable and fiscally sustainable implementation process. In addition, the compliance dates for the application of the Information and Communications standard should be streamlined across all sectors and that, a more realistic timeline for compliance be developed. This should include consideration of a phased approach up until 2025.

- **Accessible municipal and provincial elections**

AMO recommends that if section 7 remains in the standard, the Provincial Government should create a program to fund accessibility enhancements for municipal elections. AMO strongly opposes the inclusion in the standards of requirement for individuals running for municipal election as they cannot be considered to be part an organization that is intended to be covered by the Act.

Action:

AMO will continue to work with the government and municipalities to ensure the implementation of the AODA is fiscally responsible and manageable and to ensure the intent and objectives of the Act are achieved by 2025.

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca.



Sent via fax
416-325-3347

February 3, 2009

Honourable Madeleine Meilleur
Minister of Community and Social Services
80 Grosvenor Street
Hepburn Block – 6th Floor
Toronto, ON M7A 1E9

Dear Minister:

I am writing to you on behalf of the AMO Board of Directors. At the January 30, 2009, meeting of the Board, the Initial Proposed Standards for Accessible Information and Communications was reviewed and discussed.

We are taking the opportunity to provide feedback and recommendations that we believe will assist in implementing AODA standards generally, and the Information and Communications standard specifically, in a practical and affordable way. Please note, that a response was also submitted to the Information and Communications Standard Development Committee.

While AMO appreciates the ideals captured in the draft standard and remains committed to the long-term objectives of the AODA, we are deeply concerned that the proposed standard, as drafted, is not attainable in practical or economic terms for any of the obligated sectors.

The economic challenges that municipalities and communities are facing, and will be facing for the foreseeable future, are not reflected in the scope, timelines and cost of the standard. The cost implications for the private sector and not-for-profit sector would undermine Ontario's economic recovery objectives.

Based on the KPMG cost analysis commissioned by your Ministry, the cost for a sample municipality of implementing the proposed standard was estimated to be from 1% to 3% of its operating budget. If extrapolated province-wide, the estimated cost of implementing the proposed standard for municipalities across Ontario would be between \$300,000,000 and \$900,000,000 annually. If these added costs were financed through an increase to property taxes, an additional 2% to 6% in additional property tax revenue would be required. Keeping in mind that the proposed Information and Communications standard is just one of five currently planned AODA standards, the implications are astounding.

Municipalities, no matter the size, will be unable to accommodate this unanticipated financial burden. Likely, the overall impact would be a reduction in services and jobs in other areas of municipal responsibility. Another unintended outcome may be a general reduction in information published in order to minimize costs.



Clearly, the standards will need to be reconsidered in the context of practicality and affordability.

Below is a high level overview of our considerations as well as specific recommendations that we hope you, and the Standard Development Committee, and ultimately, the Ministry, will consider as you move forward on finalizing the standard and developing regulations.

Business Enterprise Systems:

Section 4.0 of the Standard deals with “business enterprise systems,” which are defined as “large and complex information technology applications capable of supporting fundamental (internal and/or external) business processes which are critical to the continued operation and growth of the organization.” The standard indicates that all complex database applications systems whose main purpose is to facilitate work by employees must be upgraded by 2011 to accommodate all accessibility needs.

The development and acquisition of business enterprise systems represent major financial investments for municipalities. Systems often remain in use for a decade or more. Additionally, whether the multi-national vendors that develop such applications would be prepared to comply with timing and functionality requirements laid down by Ontario is uncertain. Technology is constantly evolving toward greater accessibility; requiring municipalities to implement changes in advance of this evolution will result in high costs unnecessarily.

KMPG, in their costing analysis of the Information and Communications standard found that over 90% of the total cost to the case study municipality of complying with the proposed I & C standard under both the low and the high scenarios was attributable to Business Enterprise Systems.

Currently, municipalities address employee needs on a case-by-case situation. This is a more prudent and appropriate approach to addressing employee accessibility needs.

Recommendation:

AMO is recommending that Section 4.0 be removed from the I&C draft standard and considered under the Employment Standard which is currently under development. We are also recommending that given the significant cost impact associated with business enterprise systems, future recommendations for business enterprise system upgrades be carried out on a go forward basis with a compliance date of 2025, allowing new and emerging technology to be adopted through normal replacement cycles.

Accessible formats and methods:

Section 5.0 attempts to outline requirements regarding organizations having and or developing the capacity to provide information and communications upon request from a person with a disability.

This could include all materials, technology, public meeting and communications be available in every accessible format. It is anticipated that this would result in a degradation of services with a reduction in public information, dynamic websites reverting to static sites and fewer public meetings as examples.

This section also ignores the issue that the ability of municipalities to comply with the standard would be highly dependent on vendor capacity.

The KPMG costing report falls short in identifying costs impacts arising from this section of the standard ignoring the varying fiscal capacity of municipalities across the province.

Recommendation:

AMO is recommending that a further costing analysis be conducted that is reflective of size and capacity of organizations to comply with the requirements under the proposed standard. Further, that section 5 be revised to state that “upon request” should be interpreted as having capacity under reasonable time-lines to provide alternative formats on an as needed and individualized basis.

Training:

All municipal staff would need to be trained in the implementation of the information and communications standard by 2011 (according to current proposed timelines) and all other standards as they come in to affect at different times. This will generate significant resource implications.

Recommendation:

AMO is recommending to the province that in the absence of a harmonized approach to the implementation of all standards, the province should undertake to organize and support standardized training for public sector organizations.

Compliance dates:

Municipalities would be expected to comply with the information and communication standard by 2011.

Compliance dates for the implementation of the standard are staggered across the different sectors as follows:

- Class 1: Private sector/non-profit organizations 1-19 employees, by December 31, 2013
- Class 2: Private sector/non-profit organizations 20+ employees, by December 31, 2012
- Class 3: All public sector organizations, by December 31, 2011

The rationale behind staggered implementation dates is questionable. Clearly all private, public sector and not for profit organizations operate in the same market when it comes to acquiring technology including technology that supports accessibility improvements. All sectors should have the opportunity to benefit from incremental improvements in the technology through normal replacement cycles.

Recommendation:

AMO is recommending that the compliance dates be revised to reflect a reasonable and fiscally sustainable implementation process. In addition, the compliance dates for the application of the Information and Communications standard should be streamlined across all sectors and that, a more realistic timeline for compliance be developed. This should include consideration of a phased approach up until 2025.

Accessible Municipal and Provincial Elections:

Section 7.0 of the Information and Communications standard would require that secure accessible voting methods (e.g., Online and/or telephone) be implemented to allow persons with disabilities to vote privately and independently.

The standard would also require that municipal candidates shall provide candidate materials in accessible formats and methods as outlined in section 5.0., meaning, in every accessible format. – It seems clear however, that the standard, in general, applies to organizations and not individual citizens. The idea that the standard should be applied to an individual person who chooses to run for municipal office is unreasonable. The outcome of which would be to discourage candidates from seeking election municipal office.

The requirements for accessible municipal elections may be cost prohibitive, in particular, for smaller municipalities.

Recommendation:

AMO recommends that if section 7 remains in the standard, the Provincial Government should create a program to fund accessibility enhancements for municipal elections. AMO strongly opposes the inclusion in the standards of requirement for individuals running for municipal election as they cannot be considered to be part an organization that is intended to be covered by the Act.

I would also like to highlight the findings of KPMG noted in the cost analysis report:

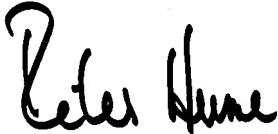
Overall, the analysis indicates that the key cost drivers associated with compliance with the Committee's proposed Standard for the municipality are the technology that supports data management and communication internally, and external communications in transacting with citizens, such as interpretation services and websites. These costs may be reduced if the timelines are extended, allowing time for technological improvements to be enabled in relevant business systems.

AMO strongly recommends that the government reconsider the expectations that have been raised for a fully accessible Ontario by 2025 generally, and accessible information and communications by 2011 specifically. This includes contemplating the risk of tempering expectations for a sound policy approach that may match the objectives of the Act.

The government should contemplate implementing the standard on a go-forward basis that considers the natural progression and advancements in technology and the market place. The government may also wish to consider a more flexible implementation that is driven by community needs and planning where consultation and planning reflect community need and prioritization.

AMO is confident that the shared commitment and objectives of creating barrier free communities can be achieved in a fiscally responsible manner. We look forward to working with the government to ensure that the intent and objectives of the *Act* are achieved.

Sincerely,

A handwritten signature in black ink that reads "Peter Hume". The signature is written in a cursive style with a large initial "P".

Peter Hume
President

cc. Hon. Jim Watson, Minister of Municipal Affairs and Housing