



WORKSHOP ON ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005 (AODA)

**COMMUNITY SERVICES AND HOUSING DEPARTMENT
POLICY AND PROGRAM SUPPORT DIVISION**

**SEMINAR ROOM – YORK REGION BUILDING
FEBRUARY 28TH, 2006**

MINUTES OF THE AODA WORKSHOP

1. Welcome - Opening Remarks and Purpose of Workshop

- Joann Simmons, Commissioner, Community Services, Housing and Health Services, Regional Municipality of York (Moderator) welcomed everyone.
- The purpose of this Workshop was to:
 - To learn about the recently proclaimed Accessibility for Ontarians with Disabilities, 2005 (AODA);
 - The Standards Development process;
 - Changing Roles under the AODA;
 - What York Region is doing to prepare for the AODA;

Regional Councillor Joyce Frustaglio extended greetings on behalf of York Region Council. She expressed gratitude to members from other municipalities for attending.

Mr. Morley, Chair of the York Region Accessibility Advisory Committee (YRAAC), welcomed everyone on behalf of the YRAAC. He acknowledged several Committee members in attendance at the Workshop with representation from King, Whitchurch-Stouffville, Markham, Richmond Hill, Newmarket, East Gwillimbury, Georgina and Aurora. He also thanked the York Region staff, York Regional Police and Lina Bigioni, Executive Assistant to the Regional Chair and Director of Government Relations.

Cordelia Abankwa-Harris, Director, Community Services and Housing, Program and Policy Support Services Division presented regarding the context of disabilities in York Region. By 2026, York Region is expected to have a population of approximately 3.1 million and just over 230,000 will have a disability. When one factors in family members, neighbours, etc. the numbers of people with a stake in getting

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services increases dramatically. In a recent survey of York Region residents, 53% of the residents surveyed stated that even if it meant an increase to taxes they wanted more services for those with disabilities. This ranked ahead of water quality and police services. Approximately 90% of York Region residents felt that services should be fully accessible to its residents with disabilities.

2. Overview of AODA: Standards Development Process; Municipal Obligations and Changing Roles of the Accessibility Advisory Committee - Jim Dixon, Senior Program Consultant, Team Lead, Accessibility Directorate of Ontario, Ministry of Community and Social Services;

Mr. Dixon presented a general overview on the *Accessibility for Ontarians with Disabilities Act, 2005*. He spoke about the definition of disability and the profile of disabilities in Ontario. The AODA applies to every person in private and public sectors – including government. This is the first time that Accessibility Standards have been applicable to the private sector. He expressed the vision would be for an accessible Ontario in 20 years or less. He further emphasized the need to educate, provide information and raise awareness of accessibility issues through the involvement of persons with disabilities in the economy and government. The four areas for common standards are:

- 1) Customer Service;
- 2) Built Environment;
- 3) Employment; and
- 4) Information and Communications.

The first two committees formed are Customer Service and Transportation. The members were appointed by the Minister and include persons with disabilities, representatives of various provincial ministries, representatives of organizations and services, municipal representatives, hospitals, etc. The membership of these committees is posted on the website. The committees will look at the broadest application of the standard. The Transportation committee has about 26 members and have met several times since January. When the standard is ready it will be posted and the public will have 45 days to offer input. The committee will then consider the feedback and resubmit to the Minister for approval.

The municipal accessibility advisory committee role continues and has been enhanced to advise municipal councils on implementation of the standards and other matters for which the council seeks advice. The ODA has not yet been rescinded.

You can provide input by applying for membership on the standards development committees or by volunteering to be on your local Accessibility Advisory Committee. This information is posted on the Accessibility Directorate website or you can call the Accessibility Directorate and request the information through the mail.

3. Regional AODA Preparations

Joy Hulton, Region Solicitor, Legal Services presented a comparison of the two pieces of legislation (ODA/AODA), the broader municipal implications and highlighted what York Region is doing. Under the Ontarians with Disabilities Act, 2001 (ODA), municipalities must continue to prepare an annual Accessibility Plan. They also must establish an Accessibility Advisory Committee to advise Council of their plan and on other matters.

The Accessibility for Ontarians with Disabilities Act, 2005 applies to both the public and private sector while the Ontarians with Disabilities Act (ODA) applies only to public sector. Under the ODA there is no provision for enforcement, while under the AODA there is a specific enforcement mechanism.

Both acts call for Accessibility Advisory Committees. Under the AODA the role of this committee will evolve into compliance monitoring.

We can expect the ODA to be in effect for at least the next three years. It will be repealed at some point. We are glad to hear comments that the AODA will build on what has already been accomplished through the ODA.

Some agency representatives attending today are not currently covered under the ODA but will be under the AODA. The standards will be issued in draft. At York Region, we have started to think about how to organize ourselves to respond to these standards within the 45 days. You will probably want to do this also. Forty five days is not very long, especially if you have to seek approval.

The reporting responsibilities will change. Under the AODA the reporting requirements are more frequent. There could be spot audits as well.

There will be a need for education and training for staff. We are anticipating and planning for this.

The challenge will be to balance the two legislations. We hope that we can continue to keep the momentum which will help to balance the expectations.

We will have to develop expertise. In York Region, we will want to take an active role in the consultation process. Most, if not all of the standards, will impact on delivery of service. Participation in the development committees is important.

The province does not have a lot of enforcement inspectors in place, but municipalities do. The province has indicated that they might ask the municipalities to help them with enforcement.

Ms. Hulton also described opportunities to make a difference, such as seeking membership on committees, attending public education programs and joining your local AAC.

4. Question and Answer Period

Q: *Who will have signing authority for the quarterly reports which will be required under the AODA?*

A: It will be a requirement to post them and have them signed off by a senior official within your organization or municipality.

Q: *Clarification was requested regarding the statement that the Accessibility Advisory Committee's role will be to monitor compliance under the AODA*

A: The AAC's role will not be to enforce but to continue to provide advice and to advise on whether the municipality is implementing the standards, but not to enforce compliance.

Q: *Are businesses going to have to comply with the AODA?*

A: Yes, the standards will also apply to the private sector.

Q: *When will the AODA start to apply to businesses?*

A: The time that the standard is in effect will be identified in each standard. For example, a customer service standard would have to state the timing, what type and who it applies to.

Q: *What else is being done to support these new standards?*

A: We would all like more funding to support the infrastructure needed to support these standards. Under the AODA is the requirement for public information to make people aware as the standards are being developed. We should partner to get the message out. The Province wants to make sure the facts are available so education programs are being developed. The Province is continually identifying ways to leverage the message.

Q: *What will happen to historic buildings under the AODA?*

A: There is no information available at this time. However, interest groups, such as heritage groups, will be involved in the development of the standards.

Q: *We now have both the Ontarians with Disabilities Act, 2001 and the Accessibility for Ontarians with Disabilities Act, 2005. When will the two Acts be integrated and will there be any financial support from the Province to implement?*

A: There are 4 areas where standards will be developed – Customer Service, Built Environment, Communications and Employment. The ODA will eventually be repealed as standards are developed under the ODA. We will achieve changes on time with milestones of 5 years or less. The costs of accessibility planning would be absorbed in regular planning and budget cycles.

Q: *Are there any opportunities to get involved in public education?*

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A: We are currently looking at different partnerships to get the message out, such as community groups and organizations to channel information. With the ODA, there was a low rate of awareness, even with all the money invested in education.

Q: *Clarify the concept of customer service standards. What does that mean?*

A: Committees are further examining that term. Essentially it is how you treat people you serve as guests or customers. There should be mutual respect or if there is a language barrier, the standards may include appropriate ways to deal with people with disabilities.

Q: *Are customer service standards anything that involves human relations?*

A: Yes, policies and language.

Q: *There is a lot of medical and legal information – What standards will be made for the legal and medical professions?*

A: At the University of California for example, you have to have a certificate in sign language to graduate as a doctor. The four common standards are to apply broadly across Ontario and will incorporate suggestions, etc. In consultation with people across Ontario, it's important to keep those suggestions and have them ready to offer input through your local community.

Q: *In reference to the Built Environment, the definition of the terms disability and accessibility are so broad. How does one know whether or not you are complying with the standards? Who is developing the standards?*

A: In developing the standards around Built Environment, the first rule has been that the standards are based on high level principles that will be as all encompassing as possible. The focus for all the standards development committees will be to build on what is already out there, in terms of best practices. Another part is our interpretation of the terms – that will be the function of the public awareness group – plain language; we're currently creating a number of those documents to help with the *Accessibility for Ontarians with Disabilities Act*.

Q: *Who develops the standards for the Accessibility for Ontarians with Disabilities Act - municipalities, etc.?*

A: The standards committees are set up by the Province and the standards that they develop are to apply province wide. The standards development committees are developing proposed standards which will be presented to the Minister to consider further which would then become law. The municipality does not develop the standards, but may give input. The *Ontarians with Disabilities Act*, in terms of the municipal involvement continues as before. *The Accessibility for Ontarians with Disabilities Act* does not currently have standards in place. The first two standards are the customer service and the transportation standards. Ultimately, the standard itself will dictate what the organization must comply to. Therefore, there is no need to comply to a standard until it is developed.

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Q. *Does the ODA have standards?*

A. The *Ontarians with Disabilities Act* does not have standards attached – it has an obligation for limited sectors to develop plans of what they are going to do to make their organizations more accessible? The standards come into play under the new *Accessibility for Ontarians with Disabilities Act*. Municipalities must still file annual Accessibility Plans under the ODA.

Q: *After the standards are in place and even before, would there be an incentive program to encourage new or established businesses to comply? We could bring people forward and acknowledge which will spread the message. This is a good thing. Make sure there's an incentive program and tie character into the program.*

A: Organizations can start making their services and facilities more accessible by implementing best practices that currently exist and not wait for standard. In Section 33 of the Act, there is a whole section dealing with possible incentives. Again, we don't have actual dollars to direct, incentives could be not having to file a Plan. The Act is looking for more incentive agreements to encourage people to go above and beyond.

Q: *The Americans established ADA many years ago. Ontario was first to establish Ontarians with Disabilities Act in Canada. If Harper's government establishes the CDA, will that impact the Accessibility for Ontarians with Disabilities Act?*

A: I would imagine the more the merrier! It sounds like the right direction to look at how we can all do what is right to benefit accessibility around the country.

Q: *Could progress bulletins be sent to regional municipalities and Accessibility Advisory Committees (instead of us trying to find the information) with target dates saying the 45 days start at this time. Accessibility Advisory Committees meet mostly once a month, so for us to meet the target dates, it would be difficult without warning.*

A: Our education program is to give a heads up to look at ways to inform and give information in a timely fashion. The first standard committee met in January for orientation. Lots of meetings are going on now, by summer, a document should be available. Stay tuned for a public announcement. We are trying to redirect resources to provide ways to get out to the community and get the information out.

Q: *Will the standards supersede the building code? (Comment: The building code only applies to brand new buildings).*

A: The building code will be included in the development of standards for the built environment. The objective of the whole process is to have the highest standard possible considering economic environment and resources, but intent is to have the highest standard possible. People can always appeal to Human Rights Code if not happy with the standard.

Q: *When is the Province going to make a decision about enforcement?*

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- A: Discussions are underway as to the whole compliance mechanism. The Directorate has appointed a director charged with developing the compliance piece.
- Q: *If the goal is to establish standards, but there isn't anything in place to help implement it, will the onus be on employers to make the modifications to meet standards from their own pocket or will there be funding?*
- A: The standards are developed with economic considerations – and will consider financial implications. The actual standards will define who they apply to and timeframes for implementation. Individuals and organizations could make this a campaign issue with your local MPP.

5. The Accessibility Planning Experience in York Region

Cordelia Abankwa-Harris, Director and Lisa Gonsalves, Senior Program Manager, ODA, Community Services and Housing Department gave a presentation on the Accessibility planning experience in York Region.

Cordelia advised that under the ODA there are no standards to apply. York Region had to make decisions about what it could do within the context of York Region. Vision 2026, our long term plan was used, along with a number of other initiatives.

Cordelia advised the accessibility cycle was integrated with the Region's Business Planning cycle. The Region's first Plan, *Understanding Barriers*, laid the foundation for future accessibility planning by investigating and better understanding barriers that existed. *Moving Forward*, the Region's 2005 Plan focused on taking action and addressing the various types of barriers identified previously. Knowing what we know now, the Region's 2006 Plan focuses on removing barriers. Regional departments, work with their own customers and clients to identify, prevent and remove different types of barriers.

The Accessibility Plans are built on the five themes previously endorsed by the Regional Council, the YRAAC and members of the public:

- 1) Helping People Live Independently
- 2) Making it Easier to Move Around the Region
- 3) Making Regional Services More Accessible
- 4) Making it Easier to Participate in Regional Government
- 5) Changing Attitudes and Raising Awareness

Accessibility planning highlights

- ✚ Enhancements made to senior's and supportive housing units;
- ✚ Conventional and rapid transit fleet made more accessible;
- ✚ Compiled a list of accessible programs and/or services for use as a tool for employment planning for persons with disabilities; York Regional Police launched the Mental Health Support Team;
- ✚ Initiated an electronic bidding; web site made more accessible for people with visual impairments;

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- ✚ Writing guide updated to include language used to describe people with disabilities;
- ✚ Staff from across the region attended training on diversity and sensitivity.

A workshop participant stated that the Viva bus was uncomfortable.
Staff indicated that they would definitely take this concern back to transit staff and let them know.

NEXT STEPS

- Final 2006 Region Accessibility Plan review and approved by Council – March, 2006
- Workshop on Making Ontario's Heritage Accessible – March 6, 2006
- National Access Awareness Week Activities
- Begin work on the 2007 Accessibility Plan

Cordelia advised it was the end of the session and thanked everyone for their participation and contribution on work being done to enhance accessibility. Asked everyone to complete the survey and leave on the table. Advised we will be posting a summary of today's proceeding on the web site.

Mr. Wilf Morley, York Region AAC Chair, advised if you want to get involved to email him at wilfmorley@sympatico.ca.

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