

Clause 17 in Report No. 13 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 19, 2017.

17

Accessibility Update and Review of Accessibility Policies

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 20, 2017 from the Commissioner of Community and Health Services:

1. Council approve the updated Accessibility Policy (Attachment 1).
2. Council rescind the existing Accessible Customer Service Policy.
3. Council delegate authority to the Chief Administrative Officer to make administrative changes to the Accessibility Policy.
4. The Regional Clerk circulate this report to the York Region Accessibility Advisory Committee and The Regional Municipality of York Police Services Board for their information.

Report dated September 20, 2017 from the Commissioner of Community and Health Services now follows:

1. Recommendations

It is recommended that:

1. Council approve the updated Accessibility Policy (Attachment 1).
2. Council rescind the existing Accessible Customer Service Policy.
3. Council delegate authority to the Chief Administrative Officer to make administrative changes to the Accessibility Policy.
4. The Regional Clerk circulate this report to the York Region Accessibility Advisory Committee and The Regional Municipality of York Police Services Board for their information.

2. Purpose

This report provides an update on accessibility initiatives and outlines proposed amendments to the Accessibility Policy as required by the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*.

3. Background

York Region must comply with Ontario's accessibility laws

York Region must comply with the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* which sets out mandatory accessibility standards in the areas of information and communications, employment, transportation, design of public spaces and customer service. These Standards were combined to form the *Integrated Accessibility Standards, Ontario Regulation 191/11 (the Regulation)* with requirements implemented to 2025.

Under the AODA, obligated organizations, which include private and public, must respond to multiple requirements over broad areas of service including:

- Establishing, implementing, maintaining and documenting a multi-year accessibility plan. York Region (including York Region Transit), York Regional Police and Police Services Board prepare one combined plan.
- Incorporating accessibility design, criteria and features when purchasing goods, services and facilities.
- Training employees, volunteers and agents on accessible customer service and implementing the requirements of the legislation. The Region monitors this mandatory training through corporate records.
- Ensuring information is accessible by providing accessible formats and communication supports for people with disabilities upon request.
- Creating accessible websites in accordance with international accessibility design standards.
- Establishing an accessible work environment for all employees across the employment life cycle.
- Providing accessible transportation services through both conventional and specialized transit services. Some specialized services have eligibility requirements.

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- Incorporating accessibility features when building new, or making planned significant alterations to existing public spaces.

Since the AODA became law York Region has responded, completed and reported on over 100 legislated requirements across all departments and York Regional Police. The Region has developed a compliance reporting process that requires all compliance activities to be documented and reviewed by the York Region Accessibility Advisory Committee, with feedback documented, and reported to Council.

The law requires the establishment of accessibility policies

The AODA also requires large public sector organizations with 50 or more employees to establish accessibility policies.

York Region currently has two corporate accessibility policies:

- The Accessible Customer Service Policy was approved by Council in 2009 and reflects the Region's commitment to provide excellent customer service to people of all abilities.
- The Accessibility Policy was approved by Council in 2012 and governs how York Region achieves and maintains accessibility by meeting the requirements of the accessibility standards of the AODA and the Regulation.

Since accessibility work began in 2003, York Region and York Regional Police have implemented more than 750 accessibility actions across all departments

The Region embeds accessibility into core business practices and processes, with an ongoing commitment to making Regional programs, goods, services and facilities accessible. Since accessibility work began in 2003, York Region and York Regional Police have implemented more than 750 accessibility actions across all departments, including many actions that go beyond the legislated requirements. Recent achievements as outlined in the [2016 Accessibility Status Report](#) include:

- Expanded the YorkSafe Food Handler Certification program to train individuals with intellectual disabilities to safely handle food while working in the food service industry
- Residents of the Housing York Inc. Lakeside Residences in the Town of Georgina formed an Accessibility Working Group to improve accessibility in the local community

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- Conducted a series of Diversity Dialogues community discussions and spoke with over 1,750 residents about ways to make our communities more welcoming and inclusive
- Modified more than 50 intersections for greater accessibility for people with disabilities, with more planned
- Identified by the Government of Ontario as a best practice leader and received a grant of \$119K to develop and launch the Beyond Compliance: Accessibility Self-Assessment Tool for Organizations to increase levels of accessibility across Ontario (beyondcompliance.ca)
- Launched the York Regional Police Services Board new website which follows the internationally recognized Web Content Accessibility Guidelines
- York Regional Police Community Services employed two social workers to act as a mental health resource for individuals and their families

Accessibility work involves many stakeholders

The Region's accessibility work involves collaboration between Regional staff from across all departments and York Regional Police, community partners and the York Region Accessibility Advisory Committee.

An internal Staff Committee implements the requirements of the AODA and corporate inclusion initiatives. Activities include the development of multiple corporate accessibility guidelines to ensure consistency across programs, services and facilities; events to raise awareness about different types of disabilities; and corporate accessibility planning. This Committee includes Regional staff from across all departments and York Regional Police.

The Region also works collaboratively with the Municipal Diversity and Inclusion Group which includes staff from local municipalities, hospitals, school boards, non-profit agencies and conservation authorities. The Staff Committee and Municipal Diversity and Inclusion Group members work together to build York Region's capacity to be an accessible community.

The York Region Accessibility Advisory Committee is a Council-appointed committee that advises Council and York Regional Police on how to make it easier to use our programs, services and facilities. The York Region Accessibility Advisory Committee also reviews Regional compliance reports. Committee members come from different backgrounds and most are people with a disability.

4. Analysis and Implications

Legislative reviews are a requirement under the AODA

The AODA required a comprehensive review of the effectiveness of the Act after four years of it coming into force, and subsequent reviews every three years. Each accessibility standard under the Regulation must be reviewed five years after it becomes law.

Customer Service was the first Standard to be reviewed and resulted in a series of changes. The Employment, Information and Communications, and Transportation Standards are currently under review. New accessible Health Care and Education Standards are also under development. It is anticipated that the next independent review of the AODA and the review of the Design of Public Spaces Standards will begin in 2018. These reviews may result in amendments to the legislation. The Region provides input into all legislative reviews in consultation with AODA departmental leads, subject matter experts, Senior Management and the York Region Accessibility Advisory Committee, with updates to Regional Council.

Amendments to the Customer Service Standards became law July 1, 2016

Recent amendments to the Customer Service Standards are based on the review of the Standards by the Provincial Accessibility Standards Advisory Council/Standards Development Committee and became law July 1, 2016. The amendments include:

- Incorporating the Customer Service Standards into the Regulation.
- Making changes to requirements pertaining to training, service animals, support persons and feedback, including:
 - Training all members of an organization on accessible customer service and how to interact with people with different abilities. The previous requirement was only those who work with customers or create policies and procedures on accessible customer service.
 - Expanding the list of health care professionals that can provide identification for a service animal. Previously it was a physician or nurse and now includes a broadened list of regulated health care professionals.
 - Amending requirements for support persons. Organizations may require a person with a disability to be accompanied by a support person when on the organization's premises for health or safety

reasons. The organization must first consult with the person to determine whether a support person is necessary to protect the health and safety of the person with a disability and to determine if there are no other reasonable alternatives.

- Ensuring that customers who have disabilities are provided with accessible formats or communication supports upon request when giving feedback on an organization's customer service practices.
- Repealing the Accessibility Standards for Customer Service, Ontario Regulation 429/07 which had been a separate regulation under the AODA.

With an updated Accessibility Policy in place the Accessible Customer Service Policy can be rescinded

The Accessibility Policy establishes the Region's core accessibility principles and outlines corporate roles and responsibilities under the AODA. Due to recent legislative changes to the Customer Service Standards, the Accessibility Policy needs to be updated. This offers opportunity to merge the Region's two accessibility policies into one.

The proposed Accessibility Policy (see Attachment 1) integrates the requirements of the Accessible Customer Service Policy including the most recent AODA amendments. With the updated Accessibility Policy in place the Accessible Customer Service Policy can be rescinded.

As required by the Regulation, documents that describe the Accessibility Policy will continue to be available to the public in accessible formats, upon request.

A combined Council/Chief Administrative Officer approved policy would be more responsive to legislative changes

With multiple legislative amendments and reviews underway, further changes to the Accessibility Policy will need to be made. It is recommended that Council delegate authority to the Chief Administrative Officer to make administrative changes to the Accessibility Policy going forward, such as amendments to definitions, staff direction and references.

Staff will continue to report accessibility updates, any policy amendments and compliance to Council as required.

York Region continues to be in compliance with all AODA requirements to date

York Region continues to meet all AODA compliance requirements to date. Under the AODA, York Region must submit Accessibility (Compliance) Reports to the Province every two years. The next compliance report is due by December 31, 2017.

York Region is compliant with new accessibility requirements for Transportation which became law January 1, 2017. This included accessibility requirements in the areas of pre-boarding and on-board announcements for conventional transportation service providers and requirements regarding the categories of eligibility for specialized transportation service providers.

Changes to the Customer Service requirements were enacted on July 1, 2016, and took immediate effect. York Region, York Regional Police Services Board and York Regional Police have also met these requirements. This included an amendment that now requires all employees be trained on accessible customer service, not just those who interact with the public. With the support of Regional Council, and inspired by the motto “How may I *best* help you,” this has been corporate practice since 2009 and is another reflection of the Region’s commitment to offering excellent accessible customer service.

5. Financial Considerations

There are no financial implications associated with the changes to these policies.

6. Local Municipal Impact

The Region and local municipalities share the common goal of making Ontario accessible by 2025. Staff continues to work together, share best practices, resources and reports with local municipal Accessibility Advisory Committees and the Municipal Diversity and Inclusion Group which includes accessibility professionals from local municipalities, York Regional Police, school boards, hospitals, local organizations and agencies.

7. Conclusion

The updated Accessibility Policy affirms York Region's commitment to meet the accessibility needs of people with disabilities so that all people may access Regional programs, goods, services and facilities in a way that respects their dignity and independence.

The Accessibility Policy meets a compliance requirement of the *Integrated Accessibility Standards*, Ontario Regulation 191/11.

For more information on this report, please contact Lisa Gonsalves, Director, Strategies and Partnerships, at 1-877-464-9675 ext. 72090.

The Senior Management Group has reviewed this report.

September 20, 2017

Attachment (1)

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Accessible formats or communication supports are available upon request



Status: **Draft**
Approved By: **Council**

The Regional Municipality of York

Accessibility Policy

Policy No.: 6425676

Original Approval Date: November 15, 2012

Policy Last Updated: October 19, 2017

Policy Statement:

The Regional Municipality of York (York Region) is committed to meeting the accessibility needs of people with disabilities in a timely and proactive manner and will use reasonable efforts to provide equitable access to Regional programs, goods, services and facilities in a way that respects a person's dignity and independence.

Application:

To all York Region Employees, Students, Volunteers and Agents who provide goods, services or facilities on behalf of York Region, or who help develop policies for York Region.

Purpose:

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) requires York Region, as a public sector organization, to establish accessibility policies. This Accessibility Policy governs how York Region achieves and maintains compliance with the requirements of the accessibility standards of the AODA and the Integrated Accessibility Standards, Ontario Regulation 191/11 (IASR).

Definitions:

Accessibility:

The degree of ease that goods, services and facilities can be used by a person with a disability (see Disability).

Accessibility Plan:

A document approved by Regional Council and made available to the public that includes:

- (a) the Region's strategy to identify, remove and prevent barriers to people with disabilities and meet its requirements under the enacted regulations of the AODA, and
- (b) all other information and actions required under the *Ontarians with Disabilities Act, 2001* (ODA) and AODA.

Accessibility Policy:

The policy approved by Regional Council that governs how York Region achieves and maintains accessibility requirements of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) and the *Integrated Accessibility Standards, Ontario Regulation 191/11* (IASR).

Accessibility Standard:

Minimum requirements set out in the AODA that persons and organizations must follow to identify, remove and prevent barriers to accessibility.

Accessible Customer Service Guidelines:

Provide technical guidance on how to implement the requirements of the *Customer Service Standards* under the *Integrated Accessibility Standards, Ontario Regulation 191/11*, consistent with the Council approved Accessibility Policy. The Accessible Customer Service Guidelines provide guidance on how York Region offers goods, services and facilities to people with disabilities.

Accessible Formats:

Refers to formats that are an alternative to standard print and are accessible to people with disabilities. Accessible Formats may include, but are not limited to, large print,

recorded audio and electronic formats, Braille and other formats usable by people with disabilities.

Agent:

A third party individual or organization who deals directly with members of the public to provide a program, service or facility on behalf of York Region.

AODA:

Accessibility for Ontarians with Disabilities Act, 2005 as may be amended.

Assistive Devices:

Technical aids, communication devices, or medical aids that are used to increase, maintain, or improve how a person with a disability can function. An assistive device may be as simple as a pen and paper. Other examples may include, but are not limited to, wheelchairs, walkers, note taking devices, portable magnifiers, recording machines, and assistive listening devices.

Barrier:

Anything that prevents a person with a disability from fully participating in society because of his or her disability, including physical, architectural, information and communications, attitudinal, technological, policy or practice barriers.

Communication Supports:

Supports that individuals with disabilities may need to access information. Communication Supports may include, but are not limited to, captioning, augmentative sound devices, plain language, sign language and other supports that facilitate effective communications.

Conventional Transportation Services:

Public passenger transportation services on transit buses, motor coaches or rail-based transportation that are provided by a designated public sector transportation organization.

Designated Public Sector Transportation Organization (as defined in the *Integrated Accessibility Standards Regulation*):

Every public transportation organization in Ontario, including any municipally operated transportation services for persons with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,

- i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
- ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
- iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.

Disability (as defined in the Ontario *Human Rights Code*):

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- (b) a condition of mental impairment or a developmental disability;
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

IASR

Integrated Accessibility Standards, Ontario Regulation 191/11 as may be amended.

Regional Department:

A “Regional Department” refers to each of the following:

- Community and Health Services Department

- Corporate Services Department
- Environmental Services Department
- Finance Department
- Legal and Court Services
- Office of the Chief Administrative Officer
- Office of the Regional Chair
- Transportation Services Department

Regulated Health Professional:

A “Regulated Health Professional” refers to one of the following:

(i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.

(ii) A member of the College of Chiropractors of Ontario.

(iii) A member of the College of Nurses of Ontario.

(iv) A member of the College of Occupational Therapists of Ontario.

(v) A member of the College of Optometrists of Ontario.

(vi) A member of the College of Physicians and Surgeons of Ontario.

(vii) A member of the College of Physiotherapists of Ontario.

(viii) A member of the College of Psychologists of Ontario.

(ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

Service Animal:

A service animal is a guide, hearing, or signal dog or other animal trained to assist a person with a disability. Service animals can often be easily identified by visual indicators such as the vest or harness worn by the animal. Alternatively, a service animal can be identified as one if the person provides documentation from a Regulated Health Professional confirming that the person requires the animal for reasons relating to the person’s disability.

Specialized Transportation Services:

Public passenger transportation services that are provided by a designated public sector transportation organization are designed to transport persons with disabilities.

Support Person:

A person who accompanies a person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

Temporary Disruption:

A temporary disruption means a short term planned or unplanned interruption that prevents people with disabilities from obtaining, using or benefiting from a provider's goods, services or facilities.

York Region Employee:

For the purpose of this policy a York Region employee includes both union and non-union employees, as well as employees of corporate entities established by Regional Council including York Region Transit Corporation (YRRTC), Housing York Incorporated (HYI) and York Telecom Network.

Description:

York Region is required to have a policy governing how the organization achieves and maintains accessibility through meeting its requirements of the accessibility standards of the *Integrated Accessibility Standards*, Ontario Regulation 191/11 (IASR, O. Reg. 191/11) under the AODA. The AODA sets out General and Compliance requirements and has five accessibility standards:

1. Information and Communications Standards
2. Employment Standards
3. Transportation Standards
4. Design of Public Spaces Standards
5. Customer Service Standards

York Region achieves compliance with the AODA and IASR through the following:

General Requirements:

- **Accessibility Planning**

York Region will establish, implement, maintain and document a multi-year accessibility plan in accordance with the AODA. The multi-year accessibility plan will outline the ways York Region will prevent and remove barriers and meet the requirements of the standards developed under the AODA.

The multi-year accessibility plan will be:

- Reviewed and updated at least every five years, and
- Established, reviewed and updated in consultation with persons with disabilities through the York Region Accessibility Advisory Committee
- Approved by Regional Council.

An annual status report on the progress of measures taken to implement the multi-year accessibility plan will be prepared. The multi-year accessibility plan and accompanying status report will be posted to the Region's website and provided in an accessible format upon request.

- **Procurement**

Where possible, Regional Departments will incorporate accessibility design, criteria and features when procuring or acquiring goods, services, and facilities. If it is not practicable to do so, staff will provide an explanation, upon request.

- **Self-Service Kiosks**

Where possible, Regional Departments will incorporate accessibility features when designing, procuring or acquiring self-service kiosks. If it is not practicable to do so, staff will provide an explanation, upon request.

- **Training**

All individuals to whom this policy applies will be trained in accordance with the AODA and its regulations. York Region will keep a record of the training provided, including the dates on which training is provided and the number of individuals trained.

Information and Communication Standards:

- **Feedback**

York Region has processes for receiving and responding to feedback on the manner in which the Region provides goods, services and facilities to customers. Regional Departments will ensure that these feedback processes are accessible to people with disabilities by providing or arranging for the provision of accessible formats or communication supports upon request, in accordance with the Information and Communications Standards.

- **Accessible Formats and Communication Supports**

Regional Departments will provide or arrange for the provision of accessible formats or communication supports for people with disabilities upon request, in accordance with the Information and Communications Standards. This will be done in consultation with the person making the request, in a timely manner that takes into account the person's accessibility needs and (if the original product has a cost) at a cost that is no more than the regular cost charged to other persons.

- **Website and Web Content**

Internet websites and web content controlled directly by York Region or through a contractual relationship that allows for modification of the product will conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level A and AA in accordance with the schedule set out in the Information and Communications Standards.

Employment Standards:

York Region will create an accessible work environment for all employees across the employment life cycle, in accordance with the requirements and timelines set out in the Employment Standards and existing requirements under the Ontario *Human Rights Code* to accommodate people with disabilities.

Transportation Standards:

York Region is committed to providing accessible public transportation services through both conventional and specialized transit services, in accordance with the Transportation Standards. Some specialized services have eligibility requirements.

Design of Public Spaces Standards:

York Region will incorporate accessibility features when building new, or making planned significant alterations to existing, Region-controlled public spaces, in accordance with the Design of Public Spaces Standards.

Customer Service Standards:

York Region is committed to providing excellent customer service to people of all abilities in accordance with the requirements set out in the Customer Service Standards. When serving customers with disabilities, reasonable efforts shall be made to provide the same level of service given to other customers. The provision of goods, services or facilities shall be provided in a manner that respects the dignity and independence of persons with disabilities. This includes:

- Accommodating the use of assistive devices, support persons, and service animals where allowed by law
- Giving notice of temporary disruptions
- Training all members of our organization on accessible customer service
- Establishing a process for receiving and responding to feedback on how we provide accessible customer service
- Providing documents in an accessible format or with communications support upon request.

The Accessible Customer Service Guidelines for employees offers tips, processes and templates to best serve our customers with disabilities and meet the requirements of the Customer Service Standards under the IASR.

Responsibilities:

Regional Council will adopt policies as required under the AODA.

York Region (including all Departments, Senior Management and Staff) will make sure that:

- All requirements of the IASR, O. Reg. 191/11 under the AODA are met on an ongoing basis in accordance with the timelines set out in the regulation.
- Departmental policies, practices and procedures are aligned with all requirements of the IASR, O. Reg. 191/11 under the AODA.
- Accessibility requirements related to implementation of this policy are part of the annual budget and planning processes.

AODA departmental leads are designated for each Standard. The AODA departmental leads will act as corporate coordinators for designated standards under the AODA and are responsible for the coordination, implementation and monitoring of the legislated requirements of the AODA as follows:

- Corporate Services Department: Information and Communications Standards
- Corporate Services Department: Employment Standards
- Transportation Services Department: Transportation Standards
- Corporate Services Department: Design of Public Spaces
- Office of the Chief Administrative Officer: Customer Service Standards

The Community and Health Services Department will act as the corporate coordinator for the AODA and is responsible for:

- The corporate coordination, development of policies and procedures, monitoring and reporting of compliance for all regulations under the AODA, including the General Standards under the IASR.

York Region Commissioners, General Managers, Directors, Managers, Supervisors and other leadership staff, as appropriate, will be responsible for ensuring that:

- The requirements of this Accessibility Policy are being implemented within their departments, branches and units.

An internal Staff Committee comprised of senior staff representatives from each Department is responsible for:

- Leading their respective department in achieving compliance with the regulations under the AODA.

York Region Accessibility Advisory Committee (YRAAC) advises Regional Council and York Regional Police on how to make it easier for people with disabilities to use York Region's programs and services. Committee members come from different backgrounds and most members must be people with disabilities. YRAAC is responsible for:

- Reviewing and advising Regional Council through the Committee of the Whole on accessibility (compliance) reports and the AODA and its regulations.

All Regional Employees, Students, Volunteers and Agents must comply with this policy.

Non-Compliance with Policy:

Failure to comply with the AODA Regulations can result in administrative penalties as defined in Part V: Compliance of the *Integrated Accessibility Standards*, Ontario Regulation 191/11. Employees who fail to comply with this Accessibility Policy may be subject to disciplinary action, up to and including dismissal. Agents and volunteers who fail to comply with the policy may be subject to service termination.

Reference:

- [October 19, 2017 Report]
- Accessible Customer Service Guidelines, 2017
- <Accessibility>: MyPortal
- Internal Staff Committee Terms of Reference
- Clause 17 of Committee of the Whole Report No. 17, authorized by Regional Council on November 19, 2015
- York Region Accessibility Design Guidelines, 2014
- York Region Accessible Information and Communication Guidelines, 2014
- York Region Accommodation Process Guidelines, 2014
- York Region Accessible Recruitment Guidelines, 2014
- Clause 3 of Community and Health Services Committee Report No. 9, authorized by Regional Council on November 15, 2012
- *Integrated Accessibility Standards*, Ontario Regulation 191/11 made under the AODA, 2011
- *Accessibility for Ontarians with Disabilities Act*, 2005
- *Ontarians with Disabilities Act*, 2001
- *Building Code Act*, 1992
- *Ontario Human Rights Code*, 1962

Contact:

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Approval Information:

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