

Clause No. 14 in Report No. 9 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on May 15, 2014.

**14**

**UPDATE ON THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT,  
2005 AND THE YORK REGION ACCESSIBILITY ADVISORY COMMITTEE**

**Committee of the Whole recommends adoption of the following recommendations contained in the report dated April 16, 2014 from the Commissioner of Community and Health Services:**

**1. RECOMMENDATIONS**

It is recommended that:

1. Council approve the revised York Region Accessibility Advisory Committee Terms of Reference as outlined in *Attachment 1*.
2. The Regional Clerk forward this report to the York Region Accessibility Advisory Committee and the Regional Municipality of York Police Services Board.

**2. PURPOSE**

This report presents an update to Council on recent activities related to the *Accessibility for Ontarians with Disabilities Act, 2005*.

This report also provides the revised Terms of Reference for the York Region Accessibility Advisory Committee (YRAAC) as outlined in *Attachment 1* and outlines the process to recruit members for the 2015-2018 term.

**3. BACKGROUND**

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) became law in 2005. It sets out accessibility standards that both public and private organizations must meet in the areas of customer service, information and communications, employment, transportation and the built environment. The Information and Communications,

Employment, Transportation and the Design of Public Spaces Standards were combined to form the *Integrated Accessibility Standards, Ontario Regulation 191/11*.

### **Accessibility advisory committees are required under the AODA**

The AODA requires that municipalities establish accessibility advisory committees. It is legislated that a majority of the committee include persons with disabilities. Under the AODA, the accessibility advisory committee will advise municipal councils about the requirements and implementation of accessibility standards and the preparation of accessibility reports.

### **Current members of YRAAC will complete their term in 2014**

The current YRAAC was appointed by Council in March 2010 and will complete their term in September 2014, concurrent with the term of Council. The members of the YRAAC include people who have different types of disabilities and backgrounds and who come from across the Region, offering a variety of perspectives. The YRAAC is comprised of nine citizen members and two members of Council, plus the Regional Chair as an ex-officio member. Recruitment activities for the 2015 – 2018 YRAAC will begin in September 2014, with the new accessibility advisory committee appointed by Council in March 2015.

### **2010-2014 YRAAC remains committed to fostering an inclusive and accessible York Region**

Since the proclamation of the *Ontarians with Disability Act* (ODA) and the AODA, members of the YRAAC have played an integral role in the success of the Region's accessibility achievements. The 2010-2014 YRAAC has continued to build on the success of previous committees and added the following accessibility achievements:

- Complied with the Integrated Accessibility Standards Regulation under the AODA, including implementation of compliance measures across all departments and preparation of the Province's Accessibility Report
- Trained over 3,550 regional staff, volunteers and agents on the requirements of the accessibility standards in the Integrated Accessibility Standards Regulation and on the *Human Rights Code* as it pertains to people with disabilities
- Helped with York Region's National Access Awareness Week public celebration in June 2012. This event was produced in partnership with York Region, York Regional Police, local municipalities, hospitals and school boards

- Identified issues facing people with different types of disabilities in the workplace through YRAAC feedback on the Region's *Accommodation Process Guidelines*, created to guide employees through the accommodation process
- Participated in the production of the Province of Ontario YouTube video that highlights the York Region accessible trail as a best practice model
- Advised on the street furniture prototypes of the York Region Transit Coordinated Street Project.

#### 4. ANALYSIS AND OPTIONS

##### **Province announces accessibility amendments to Ontario's *Building Code***

On December 27, 2013, *Ontario Regulation 368/13* was filed to amend the *2012 Building Code, Ontario Regulation 332/12*. The effective date of the amendment is January 1, 2015.

Barrier Free design has been included in the *Building Code* for some time. These amendments include requirements that add or enhance accessibility in newly constructed buildings and existing buildings that are to be extensively renovated. There are no retrofit requirements.

The amendments will primarily impact new Regional facilities, Housing York Inc. and transportation-related facilities, or those undergoing renovations, as of January 1, 2015. Houses, including semi-detached houses, townhouses and duplexes, are not affected by most accessibility requirements, with the exception of smoke alarm requirements.

Amended requirements cover a range of areas, including:

- Barrier Free Path of Travel
- Vertical Access/Elevators
- Washrooms
- Visitable Suites in Multi-Unit Residential Buildings
- Adaptable Design and Construction
- Visual Fire Alarms and Smoke Detectors
- Renovations

Staff will continue to keep Council up to date about these requirements and any new accessibility standards that may be developed in the future.

## **Two separate reviews of Ontario's accessibility laws are underway**

The Province has two separate reviews of Ontario's accessibility laws underway: the Independent Review of the AODA and the review of the proposed changes to the Accessible Customer Service Standard.

On September 10, 2013, the Province announced the appointment of Dean Mayo Moran from the Faculty of Law at the University of Toronto to lead the review of the AODA. One of the requirements of the AODA is a comprehensive review of the effectiveness of the Act and its regulations. This must be done every four years.

The AODA Review included public online and in-person consultations held in March and April across the Province, with a deadline to submit feedback by June 1, 2014.

On March 3, 2014, the Province announced the review of the proposed changes to the Accessible Customer Service Standard. Under the AODA, each accessibility standard must be reviewed every five years after it becomes law to determine whether the standard is working as intended and to allow for adjustments to be made. Proposed revisions to the Accessible Customer Service Standard were posted for public comment in March and April, with a deadline to submit feedback by April 16, 2014.

York Region actively participated in the public consultation process and developed a York Region specific response to the AODA Review in collaboration with the YRAAC, the AODA Staff Committee, Departmental Leads, and staff. The York Region response will include recommendations pertaining to provincial identification for support persons, alignment with other standards, a compliance mechanism to ensure application of the Design of Public Spaces Standards, the designation of Police Services as an obligated organization under the AODA, and a standard addressing police services. Council will be updated on both legislated reviews as final reports are released by the Province.

## **York Region receives provincial funding to develop an accessibility self-assessment tool**

York Region has received a \$35,000 grant from the Accessibility Directorate of Ontario's EnAbling Change Grant Program to develop an accessibility self-assessment tool for organizations. The EnAbling Change Program of the Accessibility Directorate of Ontario, Ministry of Economic Development, Trade and Employment funds select innovative accessibility initiatives across all sectors in Ontario. This innovative tool will be developed for use by organizations across the Province to assess organizational change in implementing the AODA. This project will identify opportunities to improve accessibility within York Region's programs, services and facilities while confirming the Region's long standing commitment to being an accessible and inclusive organization. It will establish the Region as an accessibility champion and best practice innovator.

### **YRAAC Terms of Reference are re-evaluated in the fourth year of every Council Term**

The YRAAC Terms of Reference approved by Council in 2002 includes a provision for its re-evaluation in the fourth year of every Council term. Following a review of the Terms of Reference, staff recommend minor amendments to *Attachment 1* that includes changes to:

**Committee Names:** The names of the Community and Health Services Committee and the ODA/AODA Staff Committee have changed to Committee of the Whole and the AODA Staff Committee, respectively.

**Duties:** Greater clarification regarding matters that are brought before the YRAAC for discussion and consideration. Matters brought forward should directly relate to accessibility and inclusivity in relation to the Region's obligations to implement and maintain the requirements of the Accessibility Legislation. Matters that fall outside of the goals and mandate of the committee should be directed to Regional staff.

**Membership Responsibility Agreement:** Greater clarification was required regarding the responsibilities of membership as it pertains to conflict of interest, protocol regarding interaction with the media, the use of confidential information, the use of contact information for personal or business purposes, and the use of social media.

To enhance accessibility the Terms of Reference were rewritten in an easy to understand plain language format.

### **Recruitment activities to establish the 2015-2018 Accessibility Advisory Committee will begin November 2014**

As corporate lead for accessibility initiatives, YRAAC recruitment activities will be coordinated by the Community and Health Services Department, with support from the Corporate Services Department (Legal Services, Human Resource Services and Office of the Regional Clerk). A comprehensive communication strategy has been developed to reach a broad audience. It will include an application package (with choice to apply on-line or using alternate formats) and promotion through local media, ethnic media, social media, the Maytree Foundation (which supports the appointment of diverse populations to committee and boards), community agencies that represent or provide services to people with disabilities, local municipalities, Regional information kiosks, facilities and services.

York Region residents who are people with disabilities, or part of a York Region organization that serve people with disabilities are eligible to apply. From the applications received, qualified applicants will be contacted for an interview. The current YRAAC members who are eligible may also reapply. Based on the results of the interview and screening process, the Commissioner of Community and Health Services will make recommendations to Council for appointments to the YRAAC. Members of Council will be appointed to the committee pursuant to the Region's standing committee appointment process.

Key timelines for recruitment include the application period (November – December, 2014), applicant interviews (January 2015) and formal appointment of YRAAC by Council (March 2015). It is anticipated that the inaugural meeting of the YRAAC will be in April 2015.

### **Link to key Council-approved plans**

Accessibility planning in York Region meets the requirements of Ontario's accessibility laws and supports the Region's strategic direction and priorities of *Vision 2051*, the *2011 - 2015 Strategic Plan*, the *Accessibility Policy*, the *2013 – 2021 Multi Year Accessibility Plan* and the Community and Health Services Department's *Multi-Year Plan*.

## **5. FINANCIAL IMPLICATIONS**

There are no financial implications associated with recruitment of the YRAAC. Ongoing costs to administer and manage corporate-wide AODA implementation activities are approved through departmental business plans and budgets, and integrated as part of general operations.

## **6. LOCAL MUNICIPAL IMPACT**

Some local municipalities will also be engaging in recruitment activities related to the appointment of their accessibility advisory committees. Staff will continue to work with their counterparts in the local municipalities and members of the Region-led Municipal Staff Reference Group (which include accessibility professionals from York Region, York Regional Police, local municipalities, school boards and hospitals) to share and learn from each other.

## **7. CONCLUSION**

The AODA requires that municipalities establish accessibility advisory committees. The current YRAAC will complete their term in September 2014, concurrent with the term of Council. Recruitment activities for the 2015-2018 YRAAC will establish the new accessibility advisory committee by March 2015.

The YRAAC is integral to the Region's success in reaching accessibility goals. The Region has benefitted from YRAAC leadership, sound advice, dedication and commitment.

The Region will continue to recruit members to the YRAAC that reflect the diversity of York Region, are representative of the large urban, small urban and rural area of the Region, and are inclusive of a range of disabilities.

For more information on this report, please contact Lisa Gonsalves, Director, Strategies and Partnerships Branch at Ext. 72090.

The Senior Management Group has reviewed this report.

*Attachment (1)*



York Region Accessibility Advisory Committee  
Terms of Reference  
Membership Responsibility Agreement-Appendix 1

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## 1.0 Goals

The York Region Accessibility Advisory Committee (YRAAC) assists Regional Council in making it easier for people with disabilities to access York Region's programs, services and facilities by offering feedback and advice on the implementation of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) in York Region.

The YRAAC also assist Regional Council in realizing the Region's long term corporate strategies and visions expressed in Vision 2051 which includes improving social and health supports in York Region.

## 1.1 Accessibility Mandate

The YRAAC advises the Region, including York Regional Police, on the implementation and effectiveness of Ontario's Accessibility Legislation and standards and the preparation of Accessibility Reports.

## 2.0 Definitions

"Accessibility Legislation" means Ontario's AODA, and all regulations, standards and policy directives that are enacted by the Province of Ontario.

"Accessibility Plan" is a document approved by Regional Council and is made available to the public. The plan 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;
- (b) all other information and actions required under the *Ontarians with Disabilities Act, 2001* and *Accessibility for Ontarians with Disabilities Act, 2005*.

"Accessibility Report" means a compliance report that a person or organization must file with the Province if an accessibility standard applies to the person or organization.

"Accessibility Standard" means a rule that persons and organizations must follow to identify, remove and prevent barriers to accessibility.

"AODA" means the Accessibility for Ontarians with Disabilities Act, 2005 including all regulations and standards enacted under the AODA.

"Barrier" means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, an information and communications



barrier, an attitudinal barrier, a technological barrier, a policy or practice;  
("obstacle")

"Disability" as defined in the Ontario Human Rights Code means:

- (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*.

"YRAAC" means the York Region Accessibility Advisory Committee, its members and representatives.

"York Region" also referred to as "the Region" means The Regional Municipality of York comprised of the Towns of Aurora, East Gwillimbury, Georgina, Newmarket, Richmond Hill, Whitchurch-Stouffville, the Township of King and the Cities of Markham and Vaughan.

"YRP" means York Regional Police and it includes its governing body the Regional Municipality of York Police Services Board.

### **3.0 Reporting Structure**

The YRAAC will report to Regional Council through the **Committee of the Whole**.

### **4.0 Duties**

#### **4.1 Support the implementation of *Accessibility Legislation***

The YRAAC will be responsible for:

- (a) Providing feedback and advice to the **Committee of the Whole** and Regional Council regarding the Accessibility Plan, including:

- a. the implementation and effectiveness of the plan;
  - b. ensuring the plan addresses the identification, removal and prevention of barriers in the Region's bylaws, policies, programs, practices, services and facilities.
- (b) Assessing the needs identifying barriers and issues of concern as they relate to persons with disabilities.
- (c) Using knowledge and expertise to provide strategic advice to the **Committee of the Whole** and Regional Council on ways to remove and prevent barriers to persons with disabilities.
- (d) Advising the **Committee of the Whole** and Regional Council on the requirements and implementation of accessibility standards and the preparation of Accessibility Reports.

#### **4.2 Provide feedback and advice on creating, improving and maintaining access to services and facilities, to persons with disabilities**

The YRAAC will be responsible for:

- (a) Advising the **Committee of the Whole** and Regional Council on the accessibility of buildings, structures or premises (or parts thereof) that the Region purchases, constructs, significantly renovates, leases and uses as a regional municipal building, as required.
- (b) Performing other functions that are specified in the accessibility legislation when they are developed.
- (c) Establishing subcommittees/working groups of its members, with Regional Council's approval, as deemed necessary by the Region to address specific issues connected to the accessibility of persons with disabilities.
- (d) Notify and make recommendations regarding accessibility issues to other jurisdictions and organizations on issues that fall outside of the Region's scope and mandate.

#### **4.3 Maintain the Goals and Accessibility Mandate**

All matters brought before the YRAAC should fall within the Goals and Accessibility Mandate set out in sections 1.0 and 1.1 of these Terms of Reference.

The YRAAC will be responsible for ensuring all matters brought before its members for discussion and consideration will:

- a) directly relate to the Region's efforts to be accessible and inclusive as expressed in Vision 2051;
- b) focus on accessibility matters directly related to the Region's obligations to implement and maintain the requirements of all applicable Accessibility Legislation; and
- c) be directed to regional staff if the accessibility matters fall outside the Goals and Accessibility Mandate of the YRAAC.

## 5.0 Membership

Members of the YRAAC are appointed by Regional Council.

### 5.1 Composition and Size

The YRAAC will have a minimum of seven members to a maximum of fifteen members from across the Region and be representative of the large urban, small urban and rural areas of the Region.

The composition of the YRAAC will be as follows:

- (a) The majority of members must be people with disabilities and, where possible, will represent a range of disabilities as defined in Section 2.0 above.
- (b) A maximum of three members of Regional Council, including:
  - a. one member from the Committee of the Whole; and
  - b. the Regional Chairman and CEO as an ex-officio member, .
- (c) Citizens-at-large are individuals who may not have a disability, but may be selected based on their interest or particular expertise in the identification, removal and prevention of barriers.
- (d) Individuals for organizations representing people with disabilities and that provide services to York Region residents may be selected to be a member of the YRAAC.

**5.2** Regional Council has final approval of the representatives to ensure the YRAAC is reflective of the diversity of York Region and the disability community.

### 5.3 Qualifications

- (a) An Individual appointed to the YRAAC will demonstrate that s/he has the necessary experience and the capacity to actively contribute to supporting and furthering the goals and mandate of the YRAAC.
- (b) Individuals appointed to the YRAAC will be qualified electors of York Region as set out in Ontario's Municipal Elections Act, except as provided in paragraph (c) of this section.
- (c) Individuals who represent organizations, that provide services in York Region, to the Region's residents with disabilities, may be appointed to the YRAAC without having to be a qualified elector of York Region.
- (d) Individuals appointed to the YRAAC will not be engaged in any unresolved litigation with the Region or its Boards.
- (e) York Region employees do not qualify to be a member of the YRAAC.

## 6.0 Membership Selection and Term

### 6.1 Term of YRAAC Citizen Members

- (a) Each YRAAC term is one term of Regional Council, which is four (4) years.
- (b) At the end of the four years, all YRAAC citizen members must apply for re-appointment to the YRAAC.
- (c) YRAAC citizen members may serve for a maximum of two (2) consecutive Council terms, subject to Council approval.
- (d) Citizen members who have served for the maximum term as defined in subsection (c) will not be eligible for re-appointment for the next four (4) years.
- (e) If a citizen member of the YRAAC is appointed in the middle of a term, the maximum term of a citizen member will not exceed eight (8) consecutive years.
- (f) The membership will be reviewed and evaluated annually by staff based on the following criteria:
  - a. ability of members to carry out advisory duties;
  - b. attendance;
  - c. participation;
  - d. does the current membership meet the needs and new requirements of the Accessibility Legislation; and

- e. fulfillment of the requirements of the *Membership Responsibility Agreement* (Appendix 1).

## **6.2 Chair and Vice-Chair**

- (a) A member of Regional Council will be appointed by Council to the position of Chair of the YRAAC.
- (b) The YRAAC will elect a Vice-Chair in accordance with the Region's Procedure Bylaw.

## **7.0 Resignations**

**7.1** Any resignation from the YRAAC during the term of the YRAAC must be given in writing to the Chair of the YRAAC, who will advise Regional Council through the **Committee of the Whole**.

**7.2** To maintain a high level of commitment, members may be required to resign if they have been absent for three consecutive meetings without good cause.

## **8.0 Membership Responsibility**

- (a) Members shall be familiar with the accessibility legislations and these Terms of Reference.
- (b) Each member of the YRAAC is an independent representative to the YRAAC and does not represent the concerns of only one disability or group. The members shall work together for the purpose of developing a common approach that is reasonable and practical.
- (c) Members are expected to contribute their expertise actively during YRAAC meetings.
- (d) Members shall declare any situation that is, or has the potential to be, a conflict of interest.
- (e) Members will be subject to the requirements of the *Membership Responsibility Agreement* as outlined in the attached Appendix 1.

## **9.0 Reimbursement of Expenses**

- (a) Members of the YRAAC serve without remuneration.
- (b) Members will be compensated by the Region for any approved travel expenses related to carrying out their duties as YRAAC members. Reimbursement of any approved travel expenses will be made at the end of each calendar year.

- (c) Members who are persons with disabilities will be provided with the supports or resources related to their disability and that are deemed necessary for the member to participate on the YRAAC.

### **10.0 Frequency of Meetings**

From September through June of each year, meetings will be held every other month or on an as needed basis. No meetings are held in July and August.

The Chair of the YRAAC may call special meetings.

All meetings will be held at the Region's Administrative Centre located at 17250 Yonge Street in the Town of Newmarket, except as otherwise directed by the YRAAC.

Public notice of any location changes for YRAAC meetings will be made in advance of the meeting.

### **11.0 Resources**

- (a) The AODA Staff Committee, under the leadership of the Community and Health Services Department, will provide resource support to the YRAAC, in the form of information and where possible staff expertise as may be required, to enable the YRAAC to provide sound strategic advice to Committee of the Whole and Regional Council.
- (b) Any advisory support required by a subcommittee that may be struck and approved by Regional Council will be determined on an ad-hoc basis dependent on the needs of the subcommittee and the availability of resources.
- (c) The Regional Clerk's Office will provide administrative support to the YRAAC and any of its subcommittees in accordance with the Region's Procedure Bylaw.
- (d) The Accessibility Unit will provide resource support to the YRAAC, in the form of information and staff expertise to ensure that members of the YRAAC can fully participate in all meetings.

### **12.0 Procedure**

All meetings will be conducted in accordance with the Region's Procedure Bylaw.

### **13.0 Evaluation and Review**

The Terms of Reference for the YRAAC will be reviewed in the fourth year of every Council term.

Regional Council will have the authority to make changes to these Terms of Reference as required to reflect and comply with changes to Accessibility Legislation.

Created: December 2002

Updated: May 2014

DRAFT

### **Membership Responsibility Agreement**

I, \_\_\_\_\_, understand I have the following responsibilities as a member of the York Region Accessibility Advisory Committee.

My role is to:

- assist Regional Council in making it easier for people with disabilities to access York Region's programs, services and facilities by offering feedback and advice on the implementation of Ontario's Accessibility Legislation;
- assist Regional Council in improving social and health supports in York Region as expressed in the Region's Vision 2051 document;
- aid in the identification, removal and prevention of barriers to people with disabilities.

As a member of the YRAAC, I understand and agree to carry out the responsibilities set out in this Membership Responsibility Agreement and further detailed in the Terms of Reference.

I understand that if I fail to fulfill these responsibilities, I may be removed as a member of the YRAAC.

### **RESPONSIBILITIES:**

- 1) It is considered a conflict of interest if I give advice, in the course of carrying out my duties, that directly benefits my personal, financial or business interests.
- 2) I am ultimately responsible and accountable for using good judgement in the course of carrying out my duties.
- 3) If I am asked to speak publicly to an organization or professional association, as a member of the YRAAC I must notify the Region.
- 4) If I choose to speak as a private citizen at a conference, meeting or other public forum and I am not speaking as a representative of the Region, I understand that I do not appear to represent the opinion or policy of the Region and may not present any information I have received or reviewed as a result of my membership on the YRAAC.
- 5) If I am approached by the media I will refer all inquiries to the Region's Community and Health Services Department.



- 6) I understand that the information discussed at YRAAC meetings becomes public record.
- 7) I will not use confidential information shared with the YRAAC about Regional initiatives or use Regional material for personal, financial or business use without written consent from the Region.
- 8) I will not use the YRAAC mail, phone or email communication list for personal or business purposes and understand that this information must only be used to conduct the business of the YRAAC.
- 9) I will not use my personal email, listserv, social media accounts or other modes of communication to represent the opinions or policies of the Region.

I understand and agree that I will be a member of the YRAAC starting on [DATE] and ending on [DATE] unless my membership ends early for any of the reasons outlined in this Membership Responsibility Agreement or the Terms of Reference.

**Acceptance of appointment to YRAAC:**

**Confirmation of Orientation:**

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**Signature**

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**Staff Signature**

**Name:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Orientation Date:** \_\_\_\_\_

Created: June 2010  
Updated: May 2014  
ABS - Legal Services: May 2014