



SUBJECT: Corporate Accessibility Policy Update

TO: Committee of the Whole

FROM: Capital Works

Report Number: CW-07-17

Wards Affected: All

File Numbers: 835-01

Date to Committee: February 27, 2017

Date to Council: March 27, 2017

Recommendation:

Repeal the existing Corporate Accessibility Policy; and

Approve the Corporate Accessibility Policy attached as Appendix A to capital works department report CW-07-17.

Purpose:

To respond to legislation.

Background and Discussion:

In 2009, under the Accessibility for Ontarians with Disabilities Act, 2005, and in accordance with Section 3 of the Accessibility Standards for Customer Service (Ontario Regulation 429/07), the city was required to establish policies governing the provision of its good and service to persons with disabilities. The Accessible Customer Service Policy was approved by Council on October 19, 2009 (CL-16-09).

In 2013, the Accessible Customer Service Policy was repealed and replaced by a new Corporate Accessibility Policy that combined the Customer Service policy requirements with new policy requirements of the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11). The action was to provide greater clarity about the city's accessibility initiatives as all policy requirements related to the Accessibility for Ontarians with Disabilities Act would be found in one document. The Corporate Accessibility Policy was approved by Council on April 8, 2013 (CL-06-13).

Effective July 1st, 2016, the Government of Ontario repealed the Accessibility Standards for Customer Service and incorporated the requirements into the Integrated Accessibility Standards Regulation (IASR). While combining the two regulations, the government made a number of changes to the requirements of the Customer Service standards to make them more closely align with the IASR.

As required under the Accessibility for Ontarians with Disabilities Act, 2005, and in accordance with Section 3 and Section 80.46 of the Integrated Accessibility Standards Regulation (Ontario Regulation 191/11), the City of Burlington is required to develop, implement and maintain policies governing how the city achieves or will achieve accessibility through meeting the requirements of the regulation.

The changes to the regulations prompted a review and modification of the city's existing policies, practices, procedures and training resources to align these documents with the changes to the legislation. The new Corporate Accessibility Policy is a result of this review.

There have been a number of housekeeping modifications made throughout the document. The key changes have been highlighted in the document and can be summarized as follows:

- **Expanded Training Requirements** – All employees and volunteers must now be trained on accessible customer service.
- **Support Persons** – More specific information is provided to clarify that an organization can only require a support person to accompany someone with a disability for the purposes of the health and safety of the person with a disability or others on the premises and that determination must be made in consultation with the person. If it's determined a support person is required, the fee or fare (if applicable) for the support person must be waived.
- **Service Animals** – More types of regulated health professionals can provide documentation of a need for a service animal. Doctors and nurses were originally the only ones allowed to provide such authorization, but the list now includes psychologists, psychotherapists, audiologists, chiropractors and optometrists.
- **Terms and Definitions** – As part of the harmonization process, certain terms and definitions have also been updated, but these changes do not affect existing requirements. For example, the Customer Service standards now apply to providers of "goods, services *or facilities*", which were implicit in the notion of a "service", but are now explicitly set out in the standards. Definitions for service animal and support person have also been modified.

There will be no perceived changes on how the city currently manages accessibility in its business processes.

Additional and upcoming changes to Ontario's Accessibility Legislation

Repeal of Sections of the Ontarians with Disabilities Act (ODA)

The *Ontarians with Disabilities Act (ODA)* came into effect in 2001. At that time, the ODA set the foundation for accessibility in the public sector.

In 2005, the *Accessibility for Ontarians with Disability Act (AODA)* was enacted. The requirements in the AODA and its regulations apply to private sector organizations, in addition to the public sector, and provide a mechanism for enforcement.

On December 1, 2015, the province repealed twelve sections of the ODA. These sections were largely duplicated or addressed in a comparable manner by the AODA or its regulations. The result of the repeal not only removes the duplication contained in both acts but also the administrative burden on municipalities.

Legislative review of existing accessibility standards

Each accessibility standard is required to be reviewed five years after it becomes law to determine whether it works as intended and to adjust, if required.

The Transportation Standards is currently under review. The province is silent as to the timelines for the release of the recommended changes for public review and comment.

In addition, the Employment Standards as well as the Information and Communications Standards are also scheduled to be reviewed at this time. The province is silent on the timelines for these reviews.

Proposed New Standards

As part of Ontario's Accessibility Action Plan, the province has committed to identify and address accessibility barriers in the health care sector through the creation of a new accessibility standard for health care under the Accessibility for Ontarians with Disabilities Act, 2005. Targeted pre-consultations took place this summer with a comprehensive public consultation to take place at a later date, to be determined, once the draft standards has been developed.

Financial Matters:

Not applicable

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Not applicable

Conclusion:

The new Corporate Accessibility Policy is a result of a recent change made to the Integrated Accessibility Standards and the Customer Service Standards of the Accessibility for Ontarians with Disabilities Act, 2005.

There will be no perceived changes on how the city currently manages accessibility in its business processes.

Respectfully submitted,

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Appendices: (if none delete section)

A. Corporate Accessibility Policy

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.