

For Information

DATE: April 5, 2011

REPORT TITLE: **INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)**FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services
R. Kent Gillespie, Commissioner of Employee and Business Services
Dan Labrecque, Commissioner of Public Works**OBJECTIVE**

To provide an update with regard to the proposed Integrated Accessibility Regulation (IAR) under the *Accessibility for Ontarians with Disabilities Act (AODA)*.

REPORT HIGHLIGHTS

- The *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* was enacted to make Ontario a barrier free province for Ontarians with disabilities by January 1, 2025, through development and implementation of enforceable accessibility standards in the following areas: Customer Service, Built Environment, Transportation, Information and Communications and Employment.
- The AODA applies to both Public and Private sectors. Regulation 429/07 also known as the Accessible Standard for Customer Service came into force on January 1, 2008. Region of Peel is in compliance.
- In the fall of 2010, the province of Ontario released a draft Integrated Accessibility Regulation to seek public input for the harmonized AODA standards by combining the Information & Communications, Employment and Transportation standards.
- On October 15, 2010, Chair of the Region of Peel Accessibility Advisory Committee (AAC), Mr. William Goursky submitted a letter to the province, on behalf of the Regional AAC and with input from the Regional staff, responding to the proposed IAR draft (attached as Appendix I).
- On February 2, 2011, the Province released the final draft of the IAR.
- Members of the Regional AAC and key Regional staff reviewed impacts of the final draft IAR requirements on Regional programs and services and no new concerns were identified.

April 5, 2011

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

DISCUSSION

1. Background

On June 13, 2005, *the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* received Royal assent and became law in the province of Ontario. The AODA was enacted to make Ontario a barrier free province for all Ontarians including those with disabilities through development and implementation of enforceable accessibility standards in five areas: Customer Service, Built Environment, Transportation, Information and Communications and Employment. The AODA applies to all public and private sector organizations. The AODA will eventually replace the *Ontarians with Disabilities Act, 2001 (ODA)*, which was proclaimed in 2001. While the AODA is being phased in the ODA remains in effect for the foreseeable future. The Region, like other municipalities, is required to comply with both Acts simultaneously during this period. All organizations in Ontario have current and ongoing obligations under the *Ontario Human Rights Code* (the "Code") in regards to non-discrimination. The AODA or the ODA does not diminish organizations existing legal duties under the Code and other laws with respect to protection and accommodation of persons with disabilities.

The purpose of the AODA is to ensure that all Ontarians with disabilities have full access to goods, services, facilities, accommodation, employment, building structures and premises by January 1, 2025. This will be achieved through the development, implementation and enforcement of provincially-set accessibility standards commonly referred to as the AODA standards. The first AODA standard, Accessible Standards for Customer Service (ASCS) also known as the Regulation 427/09 came into effect in 2008. All public sector organizations were given two years to comply with the ASCS and file a compliance report to the province by March 31, 2010. Region of Peel filed its ASCS compliance report in March 2010. In June, 2009, Mr. Charles Beer was appointed by the legislature to conduct the first review of the AODA. On May 31, 2010 his report was tabled in the legislature, which recommended that Information & Communications, Employment and Transportation standard should be harmonized and then released as one collective regulation. In the fall of 2010, the province of Ontario released a draft Integrated Accessibility Regulation to seek public input for the harmonized AODA standards. On March 18, 2011, the public feedback and comment period was finished and we are anticipating that province will proclaim the IAR Regulation before the end of August, 2011.

2. Integrated Accessibility Regulations (IAR) Overview

During the first public consultation phase the Accessibility Planning program staff reviewed the draft of the Integrated Accessibility Regulations (IAR) and sought input from the Region of Peel Accessibility Advisory Committee and key Regional staff. With the feedback received from the AAC and Regional staff, on October 15, 2010, Chair of the Region of Peel Accessibility Advisory Committee, Mr. William Goursky submitted to the province a letter responding to the proposed IAR draft (attached as Appendix I).

On February 2, 2011, the Minister released the final draft of the Integrated Accessibility Regulation. The Accessibility Planning program prepared an overview of the draft IAR and consulted with the members of the AAC. Members of the AAC and Regional staff representing TransHelp, Human Resources, Information, Systems and Technology Services (ISTS), Communications and Regulatory Compliance met to analyze and discuss impact of the new IAR requirements on Regional policies, programs, services and resources. The AODA working group unanimously agreed that the final IAR draft is very similar to the earlier

April 5, 2011

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

draft and no new concerns were identified other than those outlined in the AAC Chair's letter. Therefore the AODA working committee recommended the final draft does not need another response from the Region of Peel during this phase of public consultation.

For example, the Region through its strategic and accessibility planning process has accomplished many of the requirements listed in the draft. There are a number of projects that are underway to address accessibility improvements in delivery of accessible transportation, recruitment, selection and hiring of new employees to accommodate Regional employees with disabilities. Some of the requirements listed in the IAR are already implemented or in the process of being implemented within the timeframe outlined in the final draft.

There is a general sense that some areas of the proposed requirements will have a cost impact on future budgets. At this point, staff are unable to forecast the costs to implement these proposed changes. Some of the proposed timelines for these requirements range from two to five years in the future. Therefore, it will be more beneficial to bring forward the costs when departmental budgets are being prepared and projected. As recommended by the AODA working group, this report is prepared to provide an overview of the final draft IAR to Regional Council. Appendix 2 is attached to provide information about the proposed timelines for implementation of the Accessibility standards.

2.1 Scope and Class Structure

The requirements being proposed for inclusion in the IAR are intended to apply to all Ontario organizations that provide goods or services to the public or third parties and have at least one employee. The class structure is based on the following (unless otherwise stated):

- Government of Ontario
- Broader public organizations with 50+ employees
- Broader public organizations with 1-49 employees
- Private and not-for profit organizations with 50+ employees
- Private and not-for-profit organizations with 1-49 employees

The Region of Peel falls under the category of broader public organization with 50+ employees. Private and not-for-profit organizations with 1-49 employees will be exempt from compliance reporting.

The proposed IAR includes the following requirements:

2.2 General Accessibility requirements that apply to all standards that is included in the proposed regulation.

The requirements are common across information and communication, employment and transportation. The purpose of the general requirements is to reduce the burden and cumulative impact on obligated organizations. All common requirements are included in one section of the regulation for implementation purposes. Areas that are included in the requirements are Training, Policy and Practices, Kiosks, Accessibility Plans, Feedback Process, and Emergency and Public Safety Information. Some of the requirements are to be implemented by January 1, 2013, others by January 1, 2014.

The Association of Municipalities of Ontario (AMO) have requested that the Accessibility Directorate of Ontario provide the necessary tools and guidelines in a timely manner for

April 5, 2011

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

municipalities to meet the compliance dates. For example, specific accessibility features need to be defined for self-service kiosks.

2.3 Specific Accessibility requirements that will apply specifically to areas of standards proposed by the IAR:

a) Information and Communication Standards

Accessible information and communication standards will focus on the provision of goods and services. For the most part, staff is satisfied with the requirements of these standards. Through our accessibility planning and implementation of the Accessible Standards for Customer Service, the Region already complies with many of the requirements.

For print materials not available on the Region's website in an accessible format, Regional staff will be obligated to determine an appropriate alternate format and provide communication support in a timely manner at no additional cost.

The Regional Municipality of Peel is obligated to provide a website that meets World Wide Web Consortium Web Content Accessibility Guidelines (WCGA) 2.0, level A, by January 1, 2014. The website re-design project and new web content management system will ensure compliance with the standards by the proposed deadline.

b) Employment Standards

Requirements for employment prescribe how organizations provide accessibility for people with disabilities across all stages of the employment life cycle. Requirements will apply to recruiting, hiring and retaining persons in paid employment, including full-time, part-time, or apprenticeships. The standard will not apply to unpaid employment arrangements, such as volunteer placements, co-op placements, high school work experience placements. Most of the requirements under the EAS are to be accomplished by 2014. Region of Peel Human Resources staff are confident that the current requirements are in line with existing Regional practices in recruitment, retention and accommodation policies.

c) Transportation Standards

Requirements for accessible transportation applies to persons or organizations that are responsible for or provide services such as conventional, specialized or accessible transportation, ferry, taxi and public school transportation. It does not cover voluntary or faith-based transportation, federally regulated transportation, emergency response vehicles and amusement park rides. The Region of Peel is responsible for providing accessible transportation service. Some TransHelp requirements are interdependent on implementation of the AODA standards by the area municipalities in their conventional transportation programs. Since specialized services will need to match conventional services in fares, hours and boundaries, it is expected that the Region's TransHelp service will require additional funding to meet the requirements. The timelines for compliance vary between 2011 to 2017 with major financial impact occurring in the later stages. Accessibility Planning Program and TransHelp staff are working closely in monitoring the upcoming AODA standards and its impact on the Region.

April 5, 2011

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

FINANCIAL IMPLICATIONS

An understanding of the costs associated with compliance with the proposed Integrated Accessibility Regulation is not currently known. Future departmental business plans and budgets will more accurately reflect true costs associated with the implementation of the IAR.

CONCLUSION

Many of the requirements outlined in the proposed Integrated Accessibility Regulation are already being addressed by the Region of Peel or are in the process of being implemented as support of the Region of Peel Strategic Plan providing service to the community. The Region of Peel Accessibility Advisory Committee and departmental staff support the intent of the proposed Integrated Accessibility Regulation. The Region's Accessibility Plan and departmental business plans in consultation with the AAC continue to integrate and improve access in the Region of Peel.



Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services



R. Kent Gillespie
Commissioner of Employee
and Business Services



Dan Labrecque
Commissioner of Public Works

Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Meenu Sikand at extension 4778 or via email at meenu.sikand@peelregion.ca

c. Legislative Services

APPENDIX I

April 5, 2011

MA-12-6

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

October 15, 2010

Attention: Hon. Madeleine Meilleur
Minister of Community and Social Services
777 Bay Street, Suite 601A
Toronto, Ontario M7A 2J4

Subject: Service Ontario Regulatory Registry Response to the Integrated Accessibility Regulation (IAR) under the *Accessibility for Ontarians with Disabilities Act (AODA)*

As Chair of the Accessibility Advisory Committee (AAC) for the Region of Peel, I thank you for the opportunity to provide comments on the Province's recently announced Integrated Accessibility Regulation (IAR). With a population of 1.5 million residents, the Region of Peel includes the municipalities of Brampton, Caledon and Mississauga. In discussions with other members of the Region of Peel's AAC regarding the proposed IAR I felt it necessary to utilize this forum to provide feedback.

The stated objective of the IAR is to streamline, align and phase-in accessibility requirements allowing for progress on accessibility while reducing the regulatory burden on organizations. Benefits of such an approach that are evident in the proposed regulation include:

- Standardized class structures for organizations;
- Alignment of implementation timelines; and
- Streamlined common elements as it relates to policy and training.

Previous draft standards for Information and Communication; Transportation; and Employment were created independently and thus had inconsistencies relative to each other resulting in a confusing regulatory framework for organizations subject to the *Accessibility for Ontarians with Disabilities Act (AODA)*. By combining the three standards into a single IAR organizations will benefit from reduced duplication and improved efficiencies that should help streamline implementation.

I also want to address shortcomings that are evident in the proposed IAR that need to be rectified. Significant effort has been invested by many to take us to this defining moment in the creation of an accessible Ontario, it is therefore imperative that the following concerns with the proposed IAR be addressed:

- **Language:** The draft IAR does not include specific regulatory wording, it is only a summary document and thus in the absence of clearly defined terminology and draft language for comprehensive review it is difficult to provide substantive and constructive feedback to the Province.
- **Interpretation:** The use of terms such as "where possible" or "often" will result in regulatory ambiguity that will need to be interpreted and defined by the designated enforcement authority instead of by the government clearly articulating the priorities through a strong legislative framework.

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

- **Application:** Whilst efforts to standardize classes under the IAR is seen as a positive, the exclusion of all businesses with 49 or less employees is a significant set back given that fully 95% of small businesses in Ontario according to the Canadian Federation of Independent Businesses fall into the category of 49 or less employees in Canada.
- **Standards Developments Committees:** Significant time was invested by many volunteers in the development of draft accessibility standards. Much of the substance of their contributions appears in the IAR, however in several cases content appears to have been set aside, dramatically changed and/or is not evident in the proposed IAR.
- **Public Consultations:** Required under the AODA, the review conducted and report submitted by Mr. Charles Beer to assess progress toward an accessible Ontario does not appear to have been adequately considered in the development of the proposed IAR.
- **Commitment to Accessibility:** The proposed IAR does not fully demonstrate a commitment by this government to make Ontario accessible through the removal and prevention of barriers in an authoritative and quantifiable manner.

As a person with disability myself and as the Chair of the Municipal Accessibility Advisory Committee (AAC), I am deeply concerned that the proposed IAR may delay and quite possibly jeopardize the promise of an accessible Ontario. The proposed IAR in its current format does not go far enough to ensure an Ontario that is truly open to all residents regardless of differing ability. It is essential that we not miss this opportunity to move forward with an accessible Ontario that meets the needs of all of its citizens especially when we consider our aging demographic.

Thank you for considering this feedback and I look forward to continuing to working towards a fully accessible Ontario by 2025.

Sincerely,

William Goursky
Chair, Region of Peel Accessibility Advisory Committee

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

Ontario Regulation made under the
Accessibility for Ontarians with Disabilities Act, 2005
Integrated Accessibility Standards
(Compliance Timelines: Condensed Version)

PART I - GENERAL

Accessibility Standards	Compliance Date
<p>Establishment of accessibility policies</p> <ul style="list-style-type: none"> ➤ implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements under the accessibility standards referred to in the Regulation; 	January 1, 2013.
<p>Accessibility Plans</p> <ul style="list-style-type: none"> ➤ establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation; ➤ review and update the accessibility plan at least once every five years. 	January 1, 2013
<p>Procuring or acquiring goods, services or facilities</p> <ul style="list-style-type: none"> ➤ public sector organizations shall incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so, and, if not practicable to do so, shall provide, upon request, an explanation. 	January 1, 2013
<p>Self-service Kiosks</p> <ul style="list-style-type: none"> ➤ public sector organizations shall have regard to the accessibility for persons with disabilities and shall incorporate accessibility features when designing, procuring or acquiring self-service kiosks. 	January 1, 2014
<p>Training</p> <ul style="list-style-type: none"> ➤ training on accessibility standards is to be provided to all employees and volunteers, etc., and that every designated public sector organization shall keep a record of the training provided including the dates on which the training is provided and the number of individuals to whom it is provided. 	January 1, 2014

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

PART II - INFORMATION AND COMMUNICATIONS STANDARDS

<p>Feedback</p> <ul style="list-style-type: none"> ➤ every organization that has processes for receiving and responding to feedback shall ensure that the processes are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and communications supports, upon request. 	<p>January 1, 2014</p>
<p>Accessible formats and communication supports</p> <ul style="list-style-type: none"> ➤ every organization shall upon request provide or arrange for the provision of accessible formats and communication supports for persons with disabilities in a timely manner taking into account the person's accessibility needs and at a cost that is no more than the regular cost charged to other persons. 	<p>January 1, 2015</p>
<p>Emergency procedure, plans or public safety information</p> <ul style="list-style-type: none"> ➤ emergency procedures, plans or public safety information that is made available to the public, should also provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request. 	<p>January 1, 2012</p>
<p>Accessible websites and web content</p> <ul style="list-style-type: none"> ➤ designated public sector organizations shall make both their internet and intranet websites and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, initially at Level A and increasing to Level AA. 	<p>January 1, 2014 – Level A</p> <p>January 1, 2021 – Level AA</p>

PART III – EMPLOYMENT STANDARDS

<p>Recruitment, general</p> <ul style="list-style-type: none"> ➤ every employer shall notify its employees and the public about the availability of accommodation for applications with disabilities in its recruitment processes. 	<p>January 1, 2014</p>
<p>Recruitment, assessment or selection process</p> <ul style="list-style-type: none"> ➤ during the recruitment process, employer shall notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to the materials or processes to be used and if applicant requests an accommodation the employer shall provide or arrange for suitable accommodation taking into account the applicant's accessibility needs. The decision as to which accommodation is to be provided rests with the employer. 	<p>January 1, 2014</p>

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

<p>Notice to successful applicants</p> <ul style="list-style-type: none">➤ every employer shall when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.	<p>January 1, 2014</p>
<p>Informing employees of supports</p> <ul style="list-style-type: none">➤ every employer shall inform its employees of its policies used to support employees with disabilities, including policies on the provision of job accommodations. The employer shall provide the information required to new employees as soon as practicable after they begin their employment. The employer shall provide updated information to its employees whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs.	<p>January 1, 2014</p>
<p>Accessible formats and communication supports for employees</p> <ul style="list-style-type: none">➤ where an employee with a disability so requests it, every employer shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for information needed in order to perform the job; and information that is generally available to employees in the workplace. The employer shall consult with the employee making the request to determine the suitability of an accessible format or communication support, but the final determination as to which accessible format or communication support shall be used rests with the employer.	<p>January 1, 2014</p>
<p>Workplace emergency response information</p> <ul style="list-style-type: none">➤ every employer shall provide individualized workplace emergency response information to employees who have a disability, if the employer is aware of the need for accommodation due to the employee's disability. Employees shall provide the information required as soon as practicable. Employers shall review the individualized workplace emergency response information a) when employee moves to a different location in the organization; b) when employee's overall accommodations needs or plans are reviewed; and c) when employer reviews its general emergency response policies.	<p>January 1, 2012</p>
<p>Documented individual accommodation plans</p> <ul style="list-style-type: none">➤ employers shall develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.	<p>January 1, 2014</p>

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

<p>➤ Return to work process – every employer shall develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work; employer shall document the process. The return to work process shall outline the steps the employer will take to facilitate the return to work of employees who were absent because their disability required them to be away from work; and use individual documented accommodation plans as part of the process.</p>	<p>January 1, 2014</p>
<p>Performance management</p> <p>➤ employer that uses performance management in respect of its employees shall take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using its performance management process in respect of employees with disabilities.</p>	<p>January 1, 2014</p>
<p>Career development and advancement</p> <p>➤ if employer provides career development and advancement to its employees shall take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans.</p>	<p>January 1, 2014</p>
<p>Redeployment</p> <p>➤ employer that uses redeployment shall take into account the accessibility needs of its employees with disabilities, as well as individual accommodation plans, when redeploying employees with disabilities.</p>	<p>January 1, 2014</p>

PART IV – TRANSPORTATION STANDARDS

<p>Accessibility training</p> <p>➤ Transit provider shall conduct employee and volunteer accessibility training which shall include:</p> <ul style="list-style-type: none"> a) safe use of accessibility equipment and features; b) acceptable modifications to procedures where temporary barriers exist or equipment fails; c) emergency procedures that provide for the safety of persons with disabilities. 	<p>January 1, 2014</p>
<p>Emergency preparedness and response policies</p> <p>➤ Transit shall establish, implement, maintain and document emergency preparedness and response policies that provide for the safety of persons with disabilities and shall, upon request, provide the policies described in an accessible format.</p>	<p>January 1, 2012</p>

INTEGRATED ACCESSIBILITY REGULATION (IAR) UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

<p>Emergency or compassionate grounds</p> <ul style="list-style-type: none"> ➤ Develop procedures respecting the provision of temporary specialized transportation services earlier than the 14 calendar days where the services are required because of an emergency or on compassionate grounds; and there are no other accessible transportation services to meet the person's needs. 	<p>January 1, 2014</p>
<p>Accessibility Plans</p> <ul style="list-style-type: none"> ➤ Specialized transportation services shall prepare Accessibility Plans by identifying the process for estimating the demand for specialized transportation services and by describing their procedures for dealing with accessibility equipment failures on their respective types of vehicles. 	<p>January 1, 2013</p>

DUTIES OF MUNICIPALITIES AND TAXICABS

<p>Duties of municipalities</p> <p>Council shall consult with its AAC, the public and persons with disabilities in the development of accessible design criteria to be considered in the construction or replacement of bus stops and shelters to determine the proportion of on-demand accessible taxicabs required in the community and identify progress made toward meeting the need for accessible taxicabs.</p>	<p>January 1, 2013</p>
--	------------------------