

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Customer Service, Access & Equity Division

TO: Chair and Members Audit, Finance & Administration Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: March 2, 2011	
SUBJECT/REPORT NO: Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 (FCS11026) (City Wide)	
SUBMITTED BY: Roberto Rossini General Manager Finance & Corporate Services Department	PREPARED BY: Jane Lee (905) 546-2424 ext. 2654 Maxine Carter (905) 546-2424 ext. 6419
SIGNATURE:	

RECOMMENDATION

- (a) That Appendix A to Report FCS11026 Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 containing Comments on the Proposed Regulation be approved;
- (b) That staff be directed to submit Report FCS11026 Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 and the Comments on the Proposed Regulation to the Accessibility Directorate of Ontario, respecting the Proposed Integrated Accessibility Regulation;
- (c) That the Mayor correspond with the Minister of Community and Social Services to request that the Province provide funding to assist Ontario municipalities with implementation of the requirements of the Accessibility for Ontarians with Disabilities Act and its regulations.

EXECUTIVE SUMMARY

Pursuant to the Accessibility for Ontarians with Disabilities Act, the Province is proposing a draft regulation of the Integrated Accessibility Standard. The draft Proposed standard was released on February 3, 2011 and is being made available for public comments for 45 days, with a deadline of March 18th for making comments to the Province. This report outlines the major requirements of the Integrated Standard, some operational impacts, as far as they are known, and financial implications, as far as they are known. The draft standard includes the Transportation, Employment and Information & Communications Standards in one Integrated Accessibility Standard.

In addition, the attached Appendix A to Report FCS11026 Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005, outlines the comments to be submitted to the Province. As well, a further request for financial support is recommended to be sent to the Province.

Alternatives for Consideration – See Page 18

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The financial implications are not yet fully known, and will be more fully developed over time. Any requirements for funds beyond those currently provided for in capital and operating budgets will be reported on separately by the respective City departments.

Without knowing yet the full magnitude of the costs for the Employment and Information and Communications Standards, it is clear that there will be costs for training, costs for consultants to undertake assessments of websites, third party applications, additional tools and software licenses, and for modifications to websites, equipment upgrades and training on new processes. Corporate Facilities also noted that there may be support required for addressing the accessible emergency plans and fire plans for all facilities. In addition, it is anticipated that there will be consulting costs to provide an assessment of the barriers in our employment processes, and to develop processes and tools for eliminating those barriers. In addition, there may be costs for modifications of work locations and/or accommodations for employees with disabilities, and to provide equitable accommodation throughout the employment process, although these would already be requirements under the Ontario Human Rights Code.

The one area where the financial requirements are fairly well identified is the Transportation Standard as it relates to Accessible Transportation Services – including the impacts on both HSR and DARTS.

SUBJECT: Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 (FCS11026) (City Wide)
- Page 3 of 20

The major cost impacts for Transit, including conventional and specialized transit include requirements for policy development, training and reporting requirements, lost revenue for support persons, fare parity, service hours, Accessible bookings, Eligibility criteria, and Eligibility process. The costs, including one-time implementation costs and ongoing operating costs are estimated to be as follows:

- 2011/2012
 - One time implementation costs: **\$165K**
 - Ongoing operating cost of Support Persons: **\$115K**
 - \$50K lost revenue on DARTS, currently funded from Gas Tax allocation for new services (\$850K)
 - \$50K lost revenue on HSR, being absorbed through general farebox revenues
 - \$15K in processing costs, being absorbed within ATS general staffing costs

- 2013/2014
 - One time implementation costs: **\$85K**
 - Ongoing operating cost as detailed below: **\$675K**
 - Fare Parity (2013): \$450K lost revenue - DARTS
 - Service Hours (2013): \$95K new expenditures - DARTS
 - Accessible bookings (2014): \$130K new staffing costs – ATS

- 2015 - 2017
 - Eligibility criteria (2017)
 - Requirements of legislation substantially as set out in Report PW03128(c) – ATS Master Plan – Eligibility and Registration Policy Revision for Accessible Transportation Services (Public Works Committee – April 19, 2010)
 - The implementation of the new Eligibility Criteria was referred for consideration during the 2011 budget process
 - Anticipated annual costs of \$5.7M annually upon full implementation – a 5 year phase-in was proposed as follows:

5 Year Projected Cost Impacts Without Reassessing Current Registrants

Year	Cumulative New Trips	City Customer Service FTE	Cumulative New Costs	Increase over Previous Year
2010	17,063	-	\$431,000	\$431,000
2011	71,511	1.9	\$1,456,000	\$1,025,000
2012	142,091	4.5	\$3,017,000	\$1,561,000
2013	215,325	7.1	\$4,754,000	\$1,737,000
2014	240,796	8.0	\$5,689,000	\$935,000

SUBJECT: Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 (FCS11026) (City Wide)
- Page 4 of 20

- The original target implementation date of 2011 would be in advance of the timeframe in the proposed regulation
- Consideration of the implementation of the Eligibility criteria changes will be considered during the 2011 budget process
- Eligibility process (2017)
 - Required operating funds of \$250K to implement legislated requirements currently funded from Gas Tax allocation for new services (\$850K)
 - Process changes are necessarily tied to changes in eligibility criteria and require concurrent implementation

Total anticipated costs to implement the Transportation Standard can be summarized as follows:

	2011-2012	2013-2014	2015-2017	Total Costs
One Time Costs	\$165,000	\$85,000		\$250,000
Ongoing Costs/Revenue Loss	\$115,000	\$675,000	\$5.7 million (on full implementation of eligibility changes)	\$6.49 million

The Planning and Economic Development have noted possible costs implications to implement the Taxi sections of the Transportation Standard. There will be a cost for the education of owners/operators regarding the requirements as proposed by AODA.

City Council has previously passed a motion identifying the need for the Province to address the financial implications of the implementation of the AODA standards. On February 9, 2005, Council approved the following motion from the Corporate Administration Committee:

That the provincial government be requested to develop or identify funding sources to assist municipalities with implementing the requirements of the Accessibility for Ontarians with Disabilities Act (Bill 118).

AMO has also taken the position that the financial impacts of the draft standards need to be addressed either through the provision of financial support, or through changes to the draft standard to reduce the financial impacts. Accordingly, staff are recommending that the request for financial support from the Province be reaffirmed.

Staffing: Other than the staffing included in the cost implications noted above for the Transportation Standard, the staffing implications are not yet defined. There will be

some operational areas where staff coverage will be required to meet the training requirements. There may be challenges of increased costs and staffing for the development of accessibility plans, materials, and procedures in order to move forward with implementation and maintenance of the Integrated Accessibility Standards. Concern has been expressed about the possible staffing implications required to format all communications, website materials, and maintain them; rolling the requirements out to staff, vendors, and consultants. The Planning and Economic Development Department have noted possible staffing implications for the City in the area of inspecting accessible taxi vehicles and their specific accessibility requirements – they may require more time to inspect but it is unknown at this point in time.

In addition, the compliance reporting requirements are, as yet, unknown, and the need for ongoing monitoring and evaluation to monitor success and areas where additional work is required will be more significant as we implement more standards. The implementation, evaluation and monitoring may require additional resources either centrally or within departments or both. Staffing requirements will be brought forward as the implementation plans are developed, and the need is evaluated.

Legal: The proposed standard represents progress towards achieving fully accessible service for people with disabilities in Ontario, as required by the Accessibility for Ontarians with Disabilities Act and consistent with the City's obligations under the Ontario Human Rights Code.

HISTORICAL BACKGROUND (Chronology of events)

On May 10, 2005, the Provincial Government passed the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). The AODA is a provincial law that recognizes the history of discrimination against persons with disabilities in Ontario and will require the "...development, implementation and enforcement of standards" for accessibility to goods, services, facilities, employment, accommodation, buildings, structures and premises for persons with disabilities". The AODA standards apply to private and public sector organizations all across Ontario. Persons with disabilities and representatives of the Ontario government, specific industry sectors and various groups to whom the standards will apply have been involved in the development of the accessibility standards.

The Province originally proposed 5 different accessibility standards; namely Customer Service Standard, Transportation Standard, Information and Communications Standard, Employment Standard and the Built Environment Standard. The Customer Service Standards were approved by O.Reg. 429/07, and were required to be implemented by municipalities by January 1, 2010, and the private sector by January 1, 2012. In response to requests from AMO, municipalities and other parties to harmonize the standards, the Provincial Government proposed a draft Integrated Accessibility

Standard which would incorporate the requirements of three of the remaining four standards into one integrated regulation – the Transportation, Information and Communications, and Employment Standards. The Ministry of Community and Social Services noted the intent that the integrated standard would “...streamline, align and phase-in accessibility requirements...and allow for progress on accessibility and reduce the regulatory burden for obligated organizations.” The Built Environment Standard will be proclaimed at a later date. The draft standard has been developed and the public consultation phase was completed on October 16, 2009.

Each of the standards is designed to detail the measures, policies, practices and other steps needed to identify, remove and prevent barriers for people with disabilities, addressing the needs of people with a wide range of disabilities, including physical, sensory, hearing, mental health, developmental and learning disabilities. The legislation requires that implementing organizations obtain feedback regarding the needs of people in our community to address the barriers they face in independently accessing City services and the devices, policies and procedures that the City would need to put in place to provide more independent and dignified access to the full range of City services.

The draft regulation being proposed for approval of the Integrated Accessibility Standard was made available for public comments on February 3, 2011 for 45 days, with a deadline of March 18th for making comments to the Province.

POLICY IMPLICATIONS

Some of the policies required by the regulation, including the Commitment Statement for meeting the needs of people with disabilities, and the Policy for Support Persons are already in place, having been approved for the implementation of the Customer Service Standard (O. Reg. 429/07) or included in the Equity and Inclusion policy. The draft regulation will require review and updating of policies to meet the requirements of the Regulation, once proclaimed.

The draft regulation is 37 pages long and is available on request.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The Proposed Integrated Accessibility Standard contains 4 main sections. The first section contains General Provisions which are applicable to the implementation of all 3 integrated standards. The other three main sections detail the specific requirements to be met for implementation of the Information and Communications Standard, the

Employment Standard and the Transportation Standard. In addition, there are related draft regulations to complementary pieces of legislation required for the Transportation Standard.

General Provisions

The General Provisions section details the Purpose and Application, Definitions of the regulation, requires Establishment of Accessibility Policies, including a Statement of Organizational Commitment to meeting the needs of people with disabilities, Accessibility Plans, requirement for Procuring accessible Goods, Services or Facilities, providing a timeline for accessibility for Self-Service kiosks, and provides for Training requirements.

The requirements for policies including an organizational commitment should be achievable for the City of Hamilton within the timelines noted. The City already has a commitment statement to meeting the needs of our community members with disabilities, approved in 2010 as part of the adoption of the Equity and Inclusion Policy. Policy development or revisions may be required in order to implement the regulation, but the timeline of completion of the general Policy development by January 1, 2013 should be achievable.

Several sections address requirements which are currently part of the Ontarians with Disabilities Act (ODA); the legislation which pre-dated the Accessibility for Ontarians with Disabilities Act (AODA). Currently the ODA requires an annual Accessibility Plan. The proposed regulation will require a 5-year planning cycle with Annual status updates. Experience in the past would support a 5-year planning cycle as many accessibility improvements, particularly systemic or guideline and policy changes require longer than a year to complete, considering the consultation and operational implications. Until the repeal of the ODA, this regulation will conflict with the requirements of the ODA. This potential conflict has been noted in the attached comments for the Accessibility Directorate.

The requirement for incorporating accessibility features and criteria when procuring goods, services and facilities is already in place as part of the ODA requirements. Some steps have been taken to achieve this, including the development of a process to ensure consultants utilize the City of Hamilton Barrier Free Design Guidelines when undertaking construction processes. In addition, the requirements of the AODA and the standards are part of the City's RFP and tender documents. Additional work is required to fully understand and implement this requirement. The timeline for meeting this requirement is January 1, 2013. Currently, the City has limited Self-Service kiosks, which are not fully developed and under-utilized. The regulation requires that consideration be given to accessibility for people with disabilities when designing, acquiring or procuring self-service kiosks by January 1, 2013. An assessment of our current kiosks will need to consider the modifications required for accessibility.

Finally, the General Provisions note the need for training for employees, volunteers, people involved in the Policy development process, and anyone who provides services on behalf of the organization. This training requirement is consistent with the requirement for training included in the AODA Customer Service Standard. The City of Hamilton has developed the first level of training, being the Handbook, which has been made available to all staff. In addition, staff who use or may need to use Assistive Devices have been trained on the use of the devices. Development of further training, appropriate for the duties of the employees, volunteers and others is expected to be developed in 2011. In addition, some specific sections of the regulation note requirements for training, which may need further development or refinement as implementation of the proposed regulation takes place.

Information and Communications Standard

The Information and Communication standard outlines the requirement to provide information and communications in accessible formats. It provides some exceptions (i.e. if the information is not controlled directly or indirectly, or if it is technically not feasible to provide an alternate format).

The Information and Communication Standard requires that feedback processes be available using accessible formats or providing communication supports on request by January 1, 2014. In addition, accessible formats and communication supports for all information and communications must be in place by January 1, 2015. Some specific requirements for accessible information are required prior to these deadlines (i.e. accessibility policies, accessibility plans, recruitment process information, etc.). The City has already given consideration to accessible information and communications to a limited degree in implementing the Customer Service Standard.

In addition, Emergency plans, procedures and public safety information is required to be available in accessible formats or with communications support by January 1, 2012. This timeframe is quite short, but some steps have already been taken as a result of the implementation of the Customer Service Standard, and as a result of feedback of the Advisory Committee for Persons with Disabilities. Steps are underway to review Evacuation and Fire plans for City facilities to ensure that the needs of people with disabilities, including staff and visiting members of the public, are addressed in planning for emergencies. Staff have been provided recommendations to create documents in Clear print and make them available in large print on request. Braille software and printers have also been acquired, and Emergency Medical Services carry some forms in Braille on the ambulances.

The Information and Communications Standard also requires that websites and web content for both internet and intranet be modified to conform with the World Wide Web Content Accessibility Guidelines (WCAG) 2.0 at Level AA. For municipalities, new

internet websites and web content must conform with WCAG 2.0 Level A by January 1, 2014, and by WCAG 2.0 Level AA by January 1, 2021. These requirements apply to any websites and content as well as web-based applications that are controlled directly or through a contractual arrangement for anything published after January 1, 2012.

Given the number of web-based applications the City uses and the number of websites and web pages the City has, an analysis will need to be completed to assess the organizational impact of meeting this standard, both with in-house applications and third party applications. The City utilizes many third party applications used by the public such as the Transit schedules, registering for Recreation programs, on-line job applications, Tax certificate program, Building permit checking, and Paytickets. An assessment of the accessibility levels of these applications will be required as will an assessment of the configuration of the City's website platform. An early assessment will also be required to ensure that our Web Authoring Guidelines establish the processes required to meet this accessibility standard, to ensure adherence to the requirements and that we have the tools and capabilities of undertaking customer testing to ensure that we are meeting citizen needs. The cost implications of the changes required to these systems will not be available until assessments are complete. Some may require additional software or tools, and some may require customization. One example is that Web Authors will need Adobe Writer licenses to create accessible PDF and Word documents. This requirement, including a review of the current website and applications and ensuring that Web Authors understand the requirements and have the tools and understanding to meet the standard, will need to be a priority in order to meet the first level of compliance by January 1, 2014.

World Wide Web Content Accessibility Guidelines (WCAG) 2.0 at Level AA include the following requirements:

Text Alternatives: Provide text alternatives for any non-text content so that it can be changed into other forms people need, such as large print, Braille, speech, symbols or simpler language.

Time-based Media: Provide alternatives for time-based media.

Adaptable: Create content that can be presented in different ways (for example simpler layout) without losing information or structure.

Distinguishable: Make it easier for users to see and hear content including separating foreground from background.

Keyboard Accessible: Make all functionality available from a keyboard.

Enough Time: Provide users enough time to read and use content.

Seizures: Do not design content in a way that is known to cause seizures.

Navigable: Provide ways to help users navigate, find content, and determine where they are.

Readable: Make text content readable and understandable.

Predictable: Make Web pages appear and operate in predictable ways.

Input Assistance: Help users avoid and correct mistakes.

Compatible: Maximize compatibility with current and future user agents, including assistive technologies.

An implementation plan and budget requirements for consultants and technology will be addressed once the initial assessments have been completed.

Employment Standard

The requirements of the Employment Standard must be met by the City of Hamilton by January 1, 2014, unless otherwise specified. The standard requires employers to notify both employees and the public that accommodation is available for applicants with disabilities during the recruitment process, to offer job applicants accommodation in materials or processes to be used during the assessment process, and to notify employees of the City's policies with respect to accommodating employees when offers of employment are being made. Employers must inform all employees of supports available to employees, and that information and communication can be provided in accessible formats, after having consulted with the employee, and must have written individual accommodation plans for employees with disabilities. There must also be a Return to Work process for employees who have been absent from work due to a disability, including accommodations necessary for them to return to work. Performance management, career development and advancement and re-deployment processes must also give consideration to the accessibility needs of the employees.

Finally, Workplace Emergency Response Information must address the accommodation needs of employees with disabilities with individualized information available if required. This requirement must be in place by January 1, 2012.

Transportation Standard - Transit

The standard which is most specific and extensive in its requirements is the Transportation Standard. There are requirements for Transit for implementation over

the period of 2011 to 2025. The requirements generate both one time initiation expenditures and ongoing costs, with costs being set out in the Financial Implications section of the report. Major cost impacts include the Policy, training and reporting requirements (2011/2012); support persons (*initiated in 2010*), Fare parity (2013), Service hours (2013), Accessible bookings (2014), Eligibility criteria (2017) and Eligibility process (2017).

The following are the major requirements of the regulation as it relates to Transit. There is a requirement to provide current information on transit accessibility including equipment and accessibility features by January 1, 2012, including making information available on request in accessible formats. When accessibility equipment is not working, there is an obligation to take reasonable steps to accommodate people with disabilities. This requirement is to be met by July 1, 2011 – the expected date of the regulation.

Emergency preparedness and response policies for transportation providers must consider the safety of people with disabilities, and this must be completed by January 1, 2012. Transportation of support persons must be free as of January 1, 2014. The regulation notes the requirement for a person with a disability to demonstrate the need for a support person. The free fare for support persons was established at the City of Hamilton with the implementation of the Customer Service Standard on January 1, 2010.

The regulation also provides details of vehicle design and services (pre-boarding announcements, on-board announcements, lighting at doors, safety features of ramps, location of accessible seating areas). It provides that vehicles within the fleet as of July 1, 2011, or under contract as of June 30, 2011 do not need to be retrofitted to meet the new requirements, unless the vehicle is modified at a later date.

The transportation service providers must also complete the 5 year Accessibility Plan, including an annual status update. In their plan, they must outline what initiatives they will use to encourage people with disabilities to utilize conventional transportation, outline the way they evaluate and take action on customer feedback, hold an annual general meeting for a review of the plan, and include in the plan for specialized transit the process for estimating demand for specialized transit services. These processes must be in place by January 1, 2013.

By 2012, conventional transportation service providers must allow people with disabilities to travel with medical aids, and must “ensure that adequate time is provided to persons with disabilities to safely board, be secured and deboard transportation vehicles and that assistance be provide, upon request, for these activities”. This clause is of concern to Transit, in that route schedules are very limited in extra time. Any

change to the schedules as a result of this requirement will result in additional expenditures, which at the present time are difficult to predict.

Fare harmonization must be in place by January 1, 2013, with the transportation service provider able to charge a lesser fare to a person with a disability. Fare parity is required between conventional and specialized transit services by January 1, 2013, including the same fare structure. In addition, the two services must be available for the same days and the same hours of service by January 1, 2013. These two requirements will have a significant financial implication - Fare Parity (2013) results in \$450K lost revenue, and Service Hours (2013) will require \$95K in new expenditures.

The conventional transit provider shall ensure that there are clearly marked spaces for persons with disabilities, termed as “courtesy seating”, by July 1, 2011, and signage to ensure that it is clear that the seating/space must be vacated if its use is required by a person with a disability. A significant concern arising from this requirement is the impact on others who also utilize “courtesy seating, including seniors and those with small children, the potential for conflicting priorities, and the general unenforceability of the requirement.

Additional requirements include making arrangements for transfer of people with disabilities to their route destination in the case of temporary route or schedule changes by 2013, use of pre-boarding announcements on request by July 1, 2011 and electronic pre-boarding announcements by January 1, 2017 and on-board announcements on request by July 1, 2011 and electronic on-board announcements by January 1, 2017 (already in place at the City of Hamilton). There must be a system in place to support visitor trips on specialized transit, and service must be coordinated with adjacent municipalities where specialized transit is available.

With respect to Specialized Transit service, the regulation details the requirements for three different types of eligibility, including unconditional, temporary, and conditional. This requirement is consistent with the plan developed to change the City of Hamilton Eligibility Policy as previously approved by Council direction. Some details are also provided about the eligibility process in terms of timelines and appeals. Full implementation of the Eligibility changes is dependent on budget allocations. The eligibility requirements, according to the regulation, must be in place by January 1, 2017.

The regulation also provides for requirements for timeframe for bookings. The system must provide for same day service to the extent that it is available, and accept bookings up to three hours before the published end of service on the day before the intended day of travel. The number of trips on specialized transit may not be limited, and there can not be any policies or processes that have the effect of unreasonably limiting the availability of specialized transit. The current practice of providing standing or

subscription trips will need to be reviewed to ensure it does not create an unreasonable limitation; booking provisions to be in place by 2014. If the trip is to be delayed beyond 30 minutes after the pick-up time, the passenger must be notified; this provision to be in place by 2013.

Another requirement that will need to be assessed is the requirement for origin to destination service for specialized transportation, including a reference to door to door service, if required to best meet the needs of a person with a disability. Bus stop and shelter design is also required to be addressed, including consultation with people with disabilities.

Transportation Standard – Taxis

The regulation requires every municipality to consult with the accessibility advisory committee, the public and people with disabilities to establish the proportion of on-demand accessible taxis required in the municipality. The consultation must be completed by 2103, and the progress made towards achieving that level must be included in the Accessibility plan. In addition, as of July 1, 2011, municipalities must ensure that owners of licensed taxis are prohibited from charging a higher fare for people with disabilities, and are prohibited from charging for storage or mobility devices.

The lack of licensed accessible cabs is of great concern in the City of Hamilton. There are no licensed accessible cabs. Accessible vehicles can be booked for transporting individuals, but they operate as livery vehicles, are not licensed or inspected, and set flat rates which are reportedly much higher than the meter rates set by Council for licensed taxis, and often add on hourly surcharges in the evenings. Until such time as there are licensed accessible taxis, there is no affordable option available for people with disabilities. The earlier draft Transportation standard also addressed the rates for livery vehicles. The provision for fare harmony in livery vehicles appears to have been removed from this version of the regulation. It is recommended that the regulation of livery vehicles be included again, as it is at present the only option available to our community members who need accessible vehicles.

RELEVANT CONSULTATION

All departments have been consulted in the development of this report, and their feedback is provided here, based on each specific standard area.

A. General Provisions

Corporate Facilities Management (CFM) noted that the integration does help them to see the larger picture with respect to the given Integrated Accessibility Standard (IAS);

however it does not mitigate the challenges of increased costs and staffing in order to move forward with implementation and maintenance of the IAS. The overall premise and principles of the AODA and the final implementation will have a positive impact on our ability to serve the public in a more universal way which is very positive. The costs of coordination, development and roll out are very high tapping resources (financial, material, staff) that are not necessarily available currently. Time is also a commodity without clear direction and integrated planning at all stages for future initiatives, a negative impact results in that service delivery to both internal and external clients suffers.

Corporate Facilities Management also noted the rationale for integration of standards and dates are clear; however, a more streamlined project model for the dates could be adapted (as per the Association of Municipalities of Ontario (AMO) response to the Province with respect to the Built Environment Standard) as shown below:

- assess, identify areas of non compliance and prioritize and budget (deadline 2012)
- create policies and procedures as determined in our assessments (deadline 2015)
- train, communicate policies / procedures to both staff and the public (deadline 2018)
- implement (deadline 2020 with shortfalls identified before 2025)

This model would mitigate the economic impact of the proposed Standards and brings some logic and consistency to the management of AODA implementation as a whole. There is specific concern around the provision to ensure emergency procedure, plans or public safety information is available in accessible formats, although it does indicate that the material be available upon request; the deadline of 2012 seems tight for a properly coordinated result.

As a written document, it is well organized; however a summary of dates through diagrams would be helpful, as they are scattered among the sections. With respect to the content there are a few concerns about the lack of specifics, much of this lies with the organization, in terms of development and roll out this requires integration on a corporate level. Corporate Facilities Management is mostly concerned that the Built Environment has not been included within this integration. There are still many unanswered questions in areas where Standards overlap with the Built Environment; for example the accessible accommodations for employees, retrofit of existing spaces and the integration with emergency procedures. There is also overlap of elements with other standards which creates confusion in planning implementation and compliance. As well it is a concern that the province lays out the regulation in an open way, putting the onus on organizations to develop the specifics. There is a definite burden on Sections to find new ways to contribute, communicate, and do more with less when it comes to accessibility for our section and the City as a whole.

B. Information & Communications Standards

Information Services Division (IS)

The City of Hamilton (COH) must ensure all new Internet and Intranet web site content meets WCAG 2.0 Level A accessibility compliance by January 1, 2014 with the exception of Emergency procedures, plans and public safety information which must be Level A compliant by January 1, 2012.

COH must ensure the entire Internet and Intranet web site content meets WCAG 2.0 Level AA accessibility compliance by January 1, 2021. A process will be needed to review the Level A requirements, review what is required from a guidance and technology stand point to position us for compliance. A budget will also be required to undertake necessary assessments and to meet any identified technology and consulting requirements. Processes and protocols for all compliance categories will need to be reviewed, developed and monitored.

Emergency Services – Fire

Hamilton Emergency Services - Fire have a number of locations at which members of the public may attend or contact for information. Generally they are able to accommodate any request however if necessary they would negotiate alternative methods for someone with a disability who is unable to use these methods. Hamilton Emergency Services could possibly incur additional costs due to implementing different methods and providing accessible communications; however it is suggested that the volume of these requests would be very low so they do not anticipate significant costs arising from this. This would be the same for general information distributed.

Currently, the existing Hamilton Emergency Services web-site and the internal HESNET are not compliant. They will require additional information on the approved standards and assistance from IT Services to ensure compliance with both the City Standard and the Web Content Accessibility Guidelines (WCAG). It is anticipated that there will be a cost involved in terms of staff hours in order to comply but additional information would be required from IT Services before it is possible to provide an estimation of those costs.

Community Services Department

It is clear that in order to meet WCAG 2.0 Level A by January 1, 2014 and Level AA by January 1, 2021 requirements there will be impacts to policies, procedures, staffing and other costs - the amount however is unknown at this time. An assessment of our websites and portals will need to be undertaken to determine where we are now, what the gaps are, develop solutions and proceed to make modifications - this undertaking

needs to be deemed a priority by the Corporation otherwise it will be fit in amongst other tasks and the deadlines may be missed.

Information has been provided to staff as to how to create Accessible Word and PDF documents, but there are difficulties in communicating this to document creators and web staff. There may be a cost in this communication roll out and perhaps training that may be required, as well as the cost for purchase of additional Adobe Writer licenses. In addition, there needs to be corporate guidelines and /or policies about what documents will be made accessible - for example, public documents created on or after a certain date must follow the guidelines - any other documents upon request vs. any public document in existence - based on the Corporate Policy, the staffing and cost implications will change dramatically.

Public Health Services (PHS)

PHS has a number of feedback (complaint) processes in place. Clients, public can call the program that they are involved in or the customer contact centre to get someone to talk to to address their feedback. It is provided via the website or by telephone, in person during the program or in person in the office if the complainant comes to an office. To date these methods have been suitable but PHS would negotiate alternative methods for someone with a disability who is unable to use these methods. PHS may incur additional costs due to implementing different methods and providing accessible communications. PHS expects that the volume of these requests will be very low so do not anticipate significant costs arising from this. The same applies for emergency plans and info we provide to the community.

For the past few years we have had a process in place to ensure that information put on the website is AODA "compliant". Our standards were developed based on information provided by the staff Access & Equity committee. We have the same standards for PHSNet. As the City Manager's office puts standards in place for the website, PHS will implement. PHS might anticipate that there may be a cost to implement these standards which is shared fairly across the City departments.

C. Employment Standards

Departmental responses

Similar comments were provided by many departments with respect to the Employment Standard. They agreed that all policies regarding recruiting, assessment, selection and informing applicants of supports will be developed by the HR department for consistent application across the City, with departmental staff implementing as expected.

Departments also noted that they currently have in place a process regarding evacuation from its buildings for those employees with disabilities. Departments, in conjunction with

Human Resources currently accommodate a number of staff (most through the RTW process) and will continue to do so. In addition, it was noted that there will be a cost implication regarding physical work stations, key entries, doors in order to comply with the employment standard, as required.

Emergency Services – Fire

Hamilton Emergency Services also noted have approved fire safety plans for all buildings which include procedures for assisting those with disabilities. Hamilton Emergency Services - Fire staff are well equipped and trained to deal with persons with disabilities and assist them in an emergency situation. We are able to accommodate staff (through the RTW process) and will continue to do so.

Public Health Services

Public Health also noted that during an emergency, staff are redeployed to positions based on their skills, abilities and competencies. Our H1N1 response was an example of that. PHS staff have individual performance management plans, learning & development and career goals. PHS uses these processes for any employee.

Transportation Standard

Planning & Economic Development Department

The Planning & Economic Development Department noted that based on the transportation standard, their focus is with accessible taxis.

It is important to note the definition of accessible and that it isn't just limited to only physical disability but includes other accessible/mobility requirements. The current Taxi bylaw will need to be updated, including the definition of accessible in the licensing by-law for taxis. The financial impact will on the taxi owners/operators who must convert their fleet to meet accessibility requirements. There will also be a cost for the education of owners/operators regarding the requirements as proposed by AODA.

Staffing implications for the City is in the area of inspecting these vehicles and their specific accessibility requirements – may require more time to inspect (unknown at this point in time). They have also proposed that 100% of taxis be accessible by 2025, and that future renewals of licenses when replacement vehicles are required will only be made for vehicles that incorporate accessible requirements.

Public Works - Transit

Transit has provided previous commentary and cost estimation on the draft standards, which remain largely unchanged. Cost implications are included in the Financial Implications section of the Report.

Advisory Committee for Persons with Disabilities

Time did not permit consultation with the Advisory Committee for Persons with Disabilities and its subcommittees for the purposes of responding to this draft regulation. However, staff meet monthly with the Advisory Committee and its subcommittees and have obtained feedback in the past with respect to the previous draft Employment Standard, the Information and Communications standard and ongoing discussion about the requirements of the Transportation standard. The Advisory Committee for Persons with Disabilities and the Customer Service SubCommittee of the Advisory Committee were consulted during the development of the Customer Service policies and implementation guidelines, so their input was considered in drafting the required Policies for the implementation of the Customer Service Standard, as they will be during the implementation of this regulation.

Of particular note, the Advisory Committee has expressed interest in achieving many of the items in the Transportation Standard, including changes to the eligibility policy, specialized transit booking improvements and flexibility, fare parity and harmonization, similar service hours, and having licensed accessible taxis and licensed accessible livery vehicles that can not charge higher fares than for non-accessible vehicles. Livery vehicles are accessible vehicles like taxis, but not licensed and charging a flat rate set by the vendor, rather than using a metered rate. They have recommended steps to be taken to ensure that accessible taxis are available in the near future with a goal of achieving 100% accessible taxis by the year 2025. They have also provided input and continue to study the requirements for accessible bus stops and shelters. In addition, they expressed support for the approach in the original draft Employment Standard, and the need to eliminate barriers for people with disabilities in accessing employment opportunities. For the implementation of the Customer Service Standard, they provided feedback (included in our guidelines) about how to make our information more accessible. They recognized that improvements to the accessibility of the City's website would need to wait for the final Information and Communications standard.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The option to this report would be to not submit any comments to the Province. Once approved, there are limited if any alternatives to implementing the standard. The Ministry of Community and Social Services have set out a compliance framework in this standard. The compliance program at the present time includes fines for non-compliance for regulations under the AODA of up to \$100,000 per day or part of the day, if the City is found to be non-compliant.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

- ◆ A culture of excellence
- ◆ A skilled, adaptive and diverse workforce, i.e. more flexible staff
- ◆ More innovation, greater teamwork, better client focus
- ◆ An enabling work environment - respectful culture, well-being and safety, effective communication
- ◆ Opportunity for employee input in management decision making
- ◆ Council and SMT are recognized for their leadership and integrity

The draft Integrated Accessibility Standard of the Accessibility for Ontarians will be consistent with the creation of a respectful, desirable and supportive workplace. The provision of policies, procedures and training for City employees to implement the Integrated Accessibility Standard of the Accessibility for Ontarians with Disabilities Act, 2005 will assist employees in better serving the needs of and providing appropriate tools for serving people with disabilities, and will further support employees with disabilities.

Intergovernmental Relationships

- ◆ Influence federal and provincial policy development to benefit Hamilton

Growing Our Economy

- ◆ Competitive business environment
- ◆ A skilled and creative labour pool that supports new employers
- ◆ An improved customer service
- ◆ A visitor and convention destination

Economic well-being, and economic growth is enhanced as access to opportunities and services is enhanced for people with disabilities. Employment, Transportation and Information and Communication Standards will support employment opportunities and supports for people with disabilities. The Transportation and Information and Communications Standard will assist visitors with disabilities.

Social Development

- ◆ Hamilton residents are optimally employed earning a living wage
- ◆ Residents in need have access to adequate support services
- ◆ People participate in all aspects of community life without barriers or stigma

The provision of policies, procedures and training for City employees to implement the Integrated Accessibility Standard of the Accessibility for Ontarians with Disabilities Act, 2005 will assist employees in better serving the needs of and providing appropriate tools for serving people with disabilities.

Environmental Stewardship

The regulation will have no negative impact on the environment.

Healthy Community

- ◆ Plan and manage the built environment
- ◆ An engaged Citizenry
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens. The implementation of the AODA Integrated Accessibility Standard will improve access to services for people in the community with disabilities, provide an improved feedback process to address concerns and provide direction for future improvements

APPENDICES / SCHEDULES

Appendix “A” to Report FCS11026 - Proposed Integrated Accessibility Regulation under the Accessibility for Ontarians with Disabilities Act, 2005 (City Wide) – Comments proposed to be submitted to the Accessibility Directorate of Ontario

**Proposed Integrated Accessibility Regulation
under the Accessibility for Ontarians with Disabilities Act, 2005**

**City of Hamilton Comments
March, 2011**

1. How will the proposed standard help to improve accessibility for people with disabilities?

The proposed regulation will help improve accessibility for people with disabilities in many ways. Many of the proposed requirements are initiatives that our community members and Advisory Committee for Persons with Disabilities have been seeking for some time.

2. What needs to be changed about the proposed standard?

The following changes are proposed:

- Need to address conflict with Ontarians with Disabilities Act over Accessibility Plans and timing of accessibility plans, or repeal the ODA
- Need to address livery vehicles
- A minimum final threshold for accessible taxis should be established in the regulation. The City of Hamilton proposes that 100% of taxis should be accessible by 2025.
- Livery vehicles and the requirement not to charge a higher fee for accessible vehicles should be reinstated.
- The term “courtesy seating” in the Transportation Standard should be replaced with “priority seating”, and impacts on others who currently use courtesy seating, including seniors and people with small children, should be given further consideration
- A more streamlined project model for the dates could be adapted (as per the Association of Municipalities of Ontario (AMO) response to the Province with respect to the Built Environment Standard) as shown below:
 - assess, identify areas of non compliance and prioritize and budget (deadline 2012)
 - create policies and procedures as determined in our assessments (deadline 2015)
 - train, communicate policies / procedures to both staff and the public (deadline 2018)
 - implement (deadline 2020 with shortfalls identified before 2025)

3. Is the proposed standard clear and understandable?

For the most part the proposed standard is clear and understandable.

**Appendix A to Report FCS11026 –
Proposed Integrated Accessibility
Regulation under the Accessibility for
Ontarians with Disabilities Act, 2005 – Page
2 of 2**

There could be greater clarity in the timelines for provision of training and for provision of documents in accessible formats – some sections have deadlines which are earlier than would be required in other sections. Clarity could also be provided in the Transportation Standard in identifying what a person with a disability would need to do to demonstrate the need for a support person.

4. What will be some of the potential negative or positive effects on our organization?

The overall premise and principles of the AODA and the final implementation will have a positive impact on our ability to service the public in a more universal way which is very positive.

The costs of coordination, development and roll out are very high tapping resources (financial, material, staff) that are not necessarily available currently. Time is also a commodity; without clear direction and integrated planning at all stages for future initiatives, a negative impact results in that service delivery to both internal and external clients suffers. The Province should provide financial assistance for the implementation of the standards.

5. Are the requirements of the proposed standard appropriate in terms of scope, application, technical feasibility, and timelines for implementation?

The fact that the Built Environment standard has not been included within this integration, is still of concern. There are many unanswered questions in areas where Standards overlap with the Built Environment for example the accessible accommodations for employees, retrofit of existing spaces and the integration with emergency procedures.