



## The Regional Municipality of Halton

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| Report To:       | Chair and Members of the Administration and Finance Committee   |
| From:            | Mark G. Meneray, Commissioner of Legislative and Planning Services and Corporate Counsel                    |
| Date:            | May 6, 2009   |
| Report No. - Re: | LPS63-09 - Accessibility Standards under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) |

### RECOMMENDATION

1. THAT Regional Council approve Halton Region's Accessible Customer Service Policy, appended as Attachment #1 to Report No. LPS63-09.
2. THAT Regional Council endorse staff comments on the Proposed Accessible Employment Standard, under the *Accessibility for Ontarians with Disabilities Act, 2005*, which are appended as Attachment #2 to Report No. LPS63-09.

### REPORT

#### **Purpose**

This report seeks Regional Council's approval of Halton Region's Accessible Customer Service Policy. The policy has been developed to address *Ontario Regulation 429/07, Accessibility Standards for Customer Service* (Ontario Regulation 429/07) under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The policy's content reflects the requirements of Ontario Regulation 429/07 and compliance direction provided by the Accessibility Directorate of Ontario, Ministry of Community and Social Services. This report will also provide Regional Council with an update on the steps that have been taken by Halton Region staff to comply with Ontario Regulation 429/07 including the development of an accessible customer service policy.

In addition, this report seeks Regional Council's endorsement of staff comments on the Proposed Accessible Employment Standard. The Proposed Accessible Employment Standard was released by the Provincial Government on February 18, 2009 with a deadline of May 22, 2009 for the submission of feedback. To meet the submission deadline, staff have provided feedback to the Province indicating that Council endorsement of the comments is pending and will follow. The feedback provided by staff is appended to this report as Attachment #2.

## BACKGROUND

The AODA was passed by the Ontario Government in June 2005. It requires the development of accessibility standards in a number of areas – customer service; transportation; information and communications; the built environment; and, employment. The standards will be applicable to both the public and private sectors and are being developed by committees appointed by the Ontario Government. The committees include people with disabilities and representatives of sectors and industries that will be impacted by the standards.

### **Progress of Development of Accessibility Standards under the AODA**

The accessibility standards are in various degrees of development and completion. A draft accessible transportation standard was released for consultation in 2007. It was finalized and is currently with the Minister of Community and Social Services for consideration. A draft accessible information and communications standard was issued for public comment in late 2008. A public review process took place between November 2008 and February 2009. Halton Region provided feedback on the accessible information and communications standard through Report No. LPS28-09. Feedback from the public consultation process is being reviewed by the standard development committee. Once this is completed, the standard will be finalized and provided to the Minister of Community and Social Services for consideration as law.

The accessible built environment standard has not yet been released for public review, however, it is anticipated that this will occur by the summer of 2009.

### **Ontario Regulation 429/07 – Accessibility Standards for Customer Service**

On January 1, 2008, the first accessibility standard under the AODA, Ontario Regulation 429/07, came into force. The regulation requires that public sector organizations, including municipalities, be in compliance by January 1, 2010. The Ontario Government has also indicated that municipalities will be required to undertake compliance reporting in 2010.

The accessibility standards set out in Ontario Regulation 429/07 include the following requirements:

- Establishing policies, practices and procedures governing the provision of goods or services to persons with disabilities, including a policy on the use of assistive devices;
- Using reasonable efforts to ensure that policies, practices and procedures are consistent with principles related to: respecting the dignity of people with disabilities; integrating the provision of goods or services to people with disabilities and others; and providing people with disabilities an opportunity equal to that given to others to obtain, use and benefit from the goods or services;
- Developing documentation which sets out policies, practices and procedures with respect to accessible customer service;

- Ensuring that individuals who deal with members of the public or third parties on behalf of an organization, whether the person does so as an employee, agent, volunteer or otherwise, receive training on the provision of goods or services to persons with disabilities;
- Establishing a process for receiving and responding to feedback about the manner in which goods or services are provided to people with disabilities and making it publicly available; and,
- Providing documents in a format that takes into consideration a person's disability.

### **Halton Region Accessible Customer Service Policy-Development Process**

As required by Ontario Regulation 429/07, an accessible customer service policy for Halton Region has been developed. It is appended as Attachment #1 for Council's review and approval.

Halton's Accessible Customer Service Policy was developed in conjunction with accessibility staff in the Local Municipalities. Although it was recognized that each municipal organization would ultimately adopt their own accessible customer service policies, practices and procedures, staff engaged in a collaborative process so that, to the extent possible, identical or similar policies would exist in Halton Region and the four Local Municipalities.

During the development of the draft policy, Halton staff participated in meetings with the Ontario Network of Accessibility Professionals (an association of municipal and broader public sector staff that work on accessibility) and attended training sessions hosted by the Association of Municipal Managers, Clerks and Treasurers of Ontario. Municipalities from across Ontario and staff from the Accessibility Directorate of Ontario also attended and participated in the training sessions. Halton's approach to the development of its Accessible Customer Service Policy and the work undertaken towards compliance with Ontario Regulation 429/07 is in step with the approach and progress of other municipalities.

Halton Region's Accessible Customer Service Policy reflects the principles of accessible customer service as set out in Ontario Regulation 429/07 and includes sections that address: assistive devices; support persons; service animals; service disruptions; accessibility training; and, the development of a feedback process. The policy indicates that its application is specific to the *provision* of goods and services to the public, as opposed to the goods themselves.

The policy establishes a framework for a number of other actions that must be taken by Halton Region in order to meet the regulation's requirements. This includes the development of a training program on how to provide accessible customer service, the establishment of policies, practices and procedures across the Region's departments and divisions, and the development of a feedback process.

Since the enactment of Ontario Regulation 429/07, Halton Region staff have taken a number of steps toward achieving compliance with its requirements. They include:

- Undertaking an accessible customer service survey to determine the level of readiness in departments and divisions across the Regional organization;

- Meeting with departmental management teams to begin the process of developing and documenting the policies, practices and procedures required by the regulation;
- Developing an accessible customer service policy;
- Developing a training program for staff; and,
- Developing a feedback process and a notification process for service disruptions.

The steps outlined above have been undertaken in conjunction with the Region's Customer Service Steering Committee, which includes representation from each of the Region's departments.

### **The Halton Region Accessibility Advisory Committee (HRAAC)**

The HRAAC was kept apprised of the work undertaken toward compliance with Ontario Regulation 429/07. The HRAAC has reviewed and supports the draft accessible customer service policy that has been developed.

### **Training on Accessible Customer Service**

As stated above, one of the requirements of Ontario Regulation 429/07 is that staff and others that provide a good or service on behalf of an organization be trained on how the organization provides goods and services to people with disabilities. Halton Region's training program for staff will be undertaken on a number of levels. Training will be tailored to the type of work that staff do and their level of interaction with the public. A suite of training options will be provided including e-learning, dedicated standard and open class room, and train-the-trainer sessions. In order to minimize the impact on the delivery of services, opportunities will be sought to deliver training during regularly scheduled staff meetings. In addition, work is being done to address the regulation's requirement related to ensuring that volunteers and others who provide services on behalf of Halton Region have received accessible customer service training.

### **Next Steps – Implementation of Ontario Regulation 429/07**

Throughout 2009, staff will continue to work toward meeting the requirements of Ontario Regulation 429/07. As stated earlier, this includes the development, documentation and implementation of accessible customer service practices and procedures. As work continues on achieving compliance with the regulation, Halton Region staff will continue to network and share information with Local Municipal staff, the Ontario Network of Accessibility Professionals and the Association of Municipal Managers, Clerks and Treasurers of Ontario.

Although the Ontario Government has indicated that the public sector, including municipalities, will be required to begin compliance reporting in 2010, it has not yet formally confirmed what compliance reporting will consist of or the level of detail that will be requested. However, the Ontario Government has also indicated that it recognizes that significant resources will be required to implement the regulatory framework that is being established related to the various accessibility standards and that it appreciates that progress within organizations will be achieved in an incremental manner.

As additional accessibility standards are developed and enacted as regulations, staff will report back to Regional Council as required.

## PROPOSED ACCESSIBLE EMPLOYMENT STANDARD - HALTON REGION FEEDBACK

The Proposed Accessible Employment Standard (Proposed Standard) was released for public review and comment on February 18, 2009 by the Accessibility Directorate of Ontario, Ministry of Community and Social Services. The Proposed Standard was developed by the Accessible Employment Standards Development Committee. The Committee's membership includes people with disabilities and representatives from businesses, trade unions and the Provincial Government.

The Proposed Standard has been reviewed by Halton staff. To meet the submission deadline staff have provided feedback to the Accessibility Directorate of Ontario, Ministry of Community and Social Services indicating that Council endorsement is pending and would follow. Halton Region staff comments were provided in the format requested which is feedback on six questions related to the draft standard. The comments are appended to this report as Attachment #2.

The Provincial Government's review process included public consultation sessions in a number of cities across Ontario and Halton staff attended one of the sessions. Following the public review process, the Accessible Employment Standards Development Committee will review the feedback received, finalize the Proposed Standard and then send it to the Minister of Community and Social Services. The Minister will recommend what will become a regulation related to accessible employment under the AODA.

The Proposed Standard outlines requirements that organizations must meet to prevent and remove barriers for people with disabilities in the workplace throughout every step of employment including:

- Recruitment;
- Assessment;
- Selection;
- Hiring;
- Retention; and,
- Separation and termination.

The Proposed Standard applies to all organizations with paid employees including organizations with:

- Full-time, part-time, paid casual and paid seasonal employees and,
- Paid apprenticeships.

The Proposed Standard divides organizations into six different groups or classes – five classes (Class A-E) of profit and non-for-profit private sector organizations based on size, in addition to one class (Class F) for Ontario's public sector organizations. Municipalities, including Halton Region, fall into "Class F" which also captures the Legislative Assembly of Ontario, Government

of Ontario ministries, universities, colleges, hospitals, school boards and other public organizations.

Depending on the class of organization, there are requirements and timelines related to the following areas:

- the development of an accessible employment policy statement and employment policies;
- the provision of employee training;
- providing accessible information and communications during the recruitment, assessment, selection and hiring phases of employment;
- the development of individual accommodation plans for employees; and,
- the development of progress indicators with respect to accessible employment.

For the most part, the Proposed Standard's compliance timelines are the most aggressive for those organizations that fall into Class F (public sector organizations).

The Proposed Standard was reviewed by Regional staff. In summary, staff's comments indicate support, in principle, for the Proposed Standard. However, a number of concerns and questions with respect to the requirements are also highlighted. Key concerns include the following:

- There are a number of sections that lack clarity and would require additional elaboration to assess their implementation implications.
- A number of sections speak to requirements already addressed by the Ontario Human Rights Code.
- A number of sections and requirements reference the Draft Accessible Information and Communications Standard which does not yet exist as a regulation. As a result, it is difficult to determine its impact on the Proposed Employment Standard.
- There appears to be some overlap and duplication between certain requirements reflected in both the Proposed Employment Standard and the Draft Accessible Information and Communications Standard.
- Compliance timelines for public sector organizations are too aggressive and need to consider that organizations will be reviewing and/or implementing a number of accessibility standards concurrently.

## FINANCIAL/PROGRAM IMPLICATIONS

### **Halton Region's Accessible Customer Service Policy**

The approval of Halton Region's Accessible Customer Service Policy will have no financial implications. The costs associated with the training requirements of Ontario Regulation 429/07 can be accommodated within the approved 2009 Corporate Training budget.

### **Halton Region's Feedback on the Proposed Accessible Employment Standard**

There are no financial or program implications associated with providing feedback on the Proposed Accessible Employment Standard. Although it is anticipated that the implementation of an accessible employment standard will have resource implications for Halton Region, they can only be determined once the standard has been finalized and enacted as a regulation.

## RELATIONSHIP TO THE STRATEGIC PLAN

The development of an accessible customer service policy is consistent with Action 1i) under Theme 6, Goal 1 in the 2009 Administration and Finance Standing Committee Plan which reads: *“Develop policies, practices and procedures relating to accessible customer service as required by the Accessibility Standards for Customer Service Regulation, under the Accessibility for Ontarians with Disabilities Act, 2005.”*


The development and delivery of a training program on accessible customer service is consistent with Action 1j) under Theme 6, Goal 1 in the 2009 Administration and Finance Standing Committee Plan which reads: *“Develop and deliver training to Halton staff as required by the Accessibility Standards for Customer Service Regulation, under the Accessibility for Ontarians with Disabilities Act, 2005.”*

Providing comments and feedback to the Provincial Government as accessibility standards are being developed is related to Action 1k) under Theme 6, Goal 1, in the 2009 Administration and Finance Committee Plan which reads: *“Continue to implement recommendations from Halton’s Accessibility Plan and work with the Halton Region Accessibility Advisory Committee toward identifying and eliminating barriers to people with disabilities when accessing the Region’s facilities, programs and services.”*

Respectfully submitted,



Mark G. Meneray  
Commissioner of Legislative & Planning  
Services and Corporate Counsel



Rick Cockfield  
Director, Strategic Planning and Policy



Pat Moyle  
Chief Administrative Officer

If you have any questions on the content of this report, please contact:

R. Cockfield  
G. Baldazzi

Tel. # 6141  
Tel #7485