

The Corporation of the City of Cornwall

Department: Clerk's

Sub-Section:

Approval: Council

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Corporate Policy on Integrated Accessibility

1. Policy Statement and Organizational Commitment on the Integrated Accessibility Standards

1.1 The Corporation of the City of Cornwall is committed and guided by four core principles of Dignity, Independence, Integration and Equal Opportunity and supports the full inclusion of persons as set out in the *Canadian Charter of Rights and Freedoms*, and the *Accessibility for Ontarians with Disabilities Act, 2005* (now referred to as the "Act"). The Corporation of the City of Cornwall (now referred to as "Cornwall") shall use every effort to ensure that it meets the needs of people with disabilities, in a timely manner, through the implementation of this policy.

2. Purpose

2.1 Purpose of the Corporate Policy on Integrated Accessibility

The Integrated Accessibility Standards Regulation establishes accessibility standards and introduces requirements for Information and Communications, Employment and Transportation. The Integrated Accessibility Standards Regulation also establishes the compliance framework for obligated organizations.

The Integrated Accessibility Standards Regulation applies to all public, private and not-for-profit organizations, with at least one employee.

Organizations have current and ongoing obligations under the *Ontario Human Rights Code* respecting non-discrimination. The Integrated Accessibility Standards Regulation does not replace or affect existing legal obligations under the *Ontario Human Rights Code* and other laws in respect to accommodation of people with disabilities. Organizations must comply with both pieces of legislation.

The *Ontario Human Rights Code* and the *Accessibility for Ontarians with Disabilities Act* both deal with accessibility, but are two very different pieces of legislation. The *Ontario Human Rights Code* is an individual, complaints-based legislation that addresses discrimination. The *Integrated Accessibility Standards Regulation*, created under the *Accessibility for Ontarians with Disabilities Act*, applies to all organizations in Ontario and will increase accessibility for all.

The *Ontario Human Rights Code* requires organizations to accommodate people with disabilities to the point of undue hardship.

The *Integrated Accessibility Standards Regulation* does not replace or affect legal rights or obligations that arise under the *Ontario Human Rights Code* and other laws relating to the accommodation of people with disabilities. This means that the *Ontario Human Rights Code* or other applicable legislation may require additional accommodation measures that go beyond or are different from the standards established by the regulations of the Act.

3. Definitions

3.1 Accessible Formats: may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

3.2 Accessibility Plan: a plan that describes the actions an organization will take to prevent and remove barriers and when it will do so.

3.3 Accessibility for Ontarians with Disabilities Act (the Act): is an act that was passed in 2005 by the Ontario Government, with the mandate of making Ontario accessible by 2025.

3.4 Barrier: means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including a physical barrier, an architectural barrier, information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

3.5 Communication Supports: may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

3.6 Cornwall: means The Corporation of the City of Cornwall.

3.7 Disability: means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device, a condition of mental impairment or a developmental disability, a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, a mental disorder, or an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

3.8 Individual Accommodation Plan: include any information regarding accessible formats and communications supports provided; if required, include individualized workplace emergency response information; and identify any other accommodation that is to be provided.

3.9 Integrated Accessibility Standards Regulation (now referred to as the Regulation): applies to all Ontario organizations that provide goods, services or facilities to the public or to other organizations and have at least one employee.

3.10 License Appeal Tribunal: an organization that will hear appeals from organizations of director's orders.

3.11 Mobility Aid: means a device used to facilitate the transport, in a seated posture, of a person with a disability.

3.12 Mobility Assistive Device: means a cane, walker or similar aid.

3.13 Practicable: means as soon as possible given all of the circumstances.

3.14 Municipal Accessibility Advisory Committee: is a committee with the primary purpose of consulting with and providing advice to Council on the annual municipal accessibility plan for Cornwall. This committee is also responsible for reviewing and advising Council on accessibility issues.

3.15 Taxicab: is a motor vehicle as defined in the *Highway Traffic Act* that is licensed as a taxicab by a municipality and has a seating capacity of not more than six people, not including the driver. A taxicab is hired for one specific trip to transport one person or a group of people for which only one fare or charge is collected or made for the trip. A taxicab is not a car pool vehicle.

3.16 Web Content Accessibility Guidelines: means the World Wide Web Consortium Recommendation, dated December 2008, entitled "Web Content Accessibility Guidelines (WCAG) 2.0".

4. Scope and Responsibilities

4.1 This policy has been drafted in accordance with the Regulation and addresses how Cornwall achieves accessibility through meeting the Regulation's requirements. It provides the overall strategic direction that Cornwall will follow to provide accessibility supports to persons with disabilities.

4.2 The requirements of the Regulation include:

- a) establishment, implementation, maintenance and documentation of a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under the Regulation;

- b) incorporation of accessibility criteria and features when procuring or acquiring goods, services, or facilities;
- c) training; and
- d) other specific requirements under the Information and Communication Standard.

5. General Provisions

5.1 Multi-Year Accessibility Plan: Cornwall's Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the Act. Cornwall will report annually on the progress and implementation of the plan, post the information on its website and will provide it in alternative formats upon request. The plan will be reviewed and updated at least once every five years.

5.2 Procuring or Acquiring Goods, Services or Facilities: Cornwall will use accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so, in which case, if requested, will provide an explanation.

5.3 Training: Cornwall will ensure that training is provided to all employees and volunteers, all other persons who participate in developing the organization's policies and all other persons who provide goods, services or facilities on behalf of the organization, on the requirements of the accessibility standards referred to in the Regulation and in the *Human Rights Code* as it pertains to persons with disabilities. Training will be provided as soon as practicable. If any changes are made to this policy or the requirements, training will be provided. Cornwall shall maintain a record of all persons who complete the training and of the dates the training was completed.

6. Information and Communication Standard

6.1 Cornwall will create, provide and receive information and communications in ways that are accessible to persons with disabilities.

6.2 If Cornwall determines that it is not technically feasible to convert the information or communications or if the technology to convert the information or communication is not readily available, Cornwall will be obligated to provide the person that requires the information with:

- a) an explanation as to why the information or communications are unconvertible; and
- b) a summary of the unconvertible information or communications.

6.3 When Cornwall prepares emergency procedures, plans or public safety information and makes the information available to the public, it shall provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

6.3 Cornwall has a process in place for receiving and responding to feedback and will ensure that those processes are provided in accessible formats and with communication supports upon request. Cornwall will notify the public about the availability of accessible formats and communication supports.

6.4 Cornwall shall be obligated to provide or arrange for accessible formats and communication supports for persons with disabilities:

- a) upon request in a timely manner that takes into account the persons' accessibility needs due to disability;
- b) at a cost that is no more than the regular cost charged to other persons;
- c) consult with the person making the request and determine the suitability of an accessible format or communication support; and
- d) notify the public about the availability of accessible formats and communication supports.

6.5 Cornwall shall make its internet website 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. By January 1, 2014, any new web content will conform to WCAG 2.0 Level A. By January 1, 2021, all internet website and web content will conform to WCAG 2.0 Level AA.

7. Employment Standard

7.1 The Employment Standard builds upon the existing requirements under the *Ontario Human Rights Code* in relation to how to accommodate individuals with disabilities throughout the job application process and the employment relationship. It applies in respect to paid employees and does not apply to volunteers and other non-paid individuals.

The requirements of the Employment Standard shall be met by Cornwall by January 1, 2014, unless otherwise specified.

7.2 Cornwall shall notify employees and the public about the availability of accommodations for applicants with disabilities:

- a) during the recruitment process when job applicants are individually selected to participate in an assessment or selection process;
- b) if a selected applicant requests an accommodation, Cornwall shall consult with the applicant and provide or arrange for the provision of a suitable accommodation that takes into account the applicant's disability; and
- c) notify successful applicants of the policies for accommodating employees with disabilities.

7.3 Cornwall shall inform its employees of its policies used to support its employees with disabilities, including but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability:

- a) as required to new employees as soon as practicable after they begin their employment; and
- b) whenever there is a change in policies on the provision of job accommodations that take into account an employee's accessibility needs due to a disability.

7.4 In addition and where an employee with a disability requests it, Cornwall will consult with the employee to provide or arrange for the provision of accessible formats and communication supports for:

- a) information that is needed in order to perform the employee's job;
- b) information that is generally available to employees in the workplace;
and
- c) consult with the employee making the request in determining the suitability of an accessible format or communication support.

7.5 Cornwall shall have in place a written process for developing a documented individual accommodation plan for employees with a disability. Process to include:

- a) the employee's participation in the development of the individual accommodation plan;
- b) assessment on an individual basis;
- c) identification of accommodation to be provided;
- d) timelines for the provision of accommodations;
- e) Cornwall may request an evaluation by a medical or other expert, at its expense, to assist with determining accommodation and how to achieve accommodation;
- f) employee may request the participation of a representative from the bargaining unit where represented, or otherwise a representative from the workplace where the employee is not represented by a bargaining agent;
- g) steps taken to protect the privacy of the employee's personal information;

- h) frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done;
- i) if denied, the reasons for denial are to be provided to the employee;
- j) a format that takes into account the employee's disability;
- k) if requested, any information regarding accessible formats and communication supports provided; and
- l) identification of any other accommodation that is to be provided.

7.6 Cornwall will have in place a return to work process for employees who have been absent from work due to a disability and require disability-related accommodation in order to return to work. Such processes must be documented and must outline steps Cornwall will take to facilitate the return to work and include an individual accommodation plan.

7.7 Cornwall will take into account the accessibility needs and/or individual accommodation plans of employees when:

- a) using performance management processes;
- b) providing career development and advancement information; and
- c) using redeployment procedures.

7.8 Cornwall shall provide individualized workplace emergency response information to employees who have a disability:

- a) if the disability is such that the individualized information is necessary and the employer is aware of needs for accommodation due to the employee's disability;
- b) if the employee, who receives an individual workplace emergency response information, requires assistance and, with the employee's consent, Cornwall shall provide the workplace emergency information to the person designated to provide assistance to the employee;

- c) as soon as practicable after becoming aware of the need for accommodation due to the employee's disability; and
- d) review the individualized workplace emergency response information when the employee moves to a different location in the organization, when overall accommodation needs or plans are reviewed and when the employer reviews its general emergency response policies.

8. Transportation Standard

8.1 The Transportation Standard will make it easier for people to travel in Ontario, including persons with disabilities, older Ontarians and families traveling with children in strollers.

As a municipality, Cornwall will:

- a) consult with the Municipal Accessibility Advisory Committee, the public and persons with disabilities in the development of accessible design criteria in the construction, renovation, or replacement of bus stops/shelters, including steps to meet the goal of accessible stops/shelters;
- b) consult with the Municipal Accessibility Advisory Committee, persons with disabilities and the public to determine proportion of accessible taxis required in the community, including steps to meet the need;
- c) ensure taxicabs do not charge a higher fee or an additional fee to persons with disabilities;
- d) ensure taxicabs do not charge a fee for storage of assistive devices; and
- e) ensure taxicabs have appropriate information displayed on the rear bumper and available in an accessible format to passengers.

8.2 Cornwall's Accessibility Plan will include progress made by the municipality to meet the accessible taxicab needs of the community and provide accessible bus stops/shelters.

8.3 Cornwall is committed to providing accessible conventional transit, specialized transit and community transit services in accordance with the *Integrated Accessibility Standards Regulation* under the *Accessibility for Ontarians with Disabilities Act* through the development and implementation of policies, practices, procedures, resources, equipment and training in the provisions outlined in the *Integrated Accessibility Standards Regulation* under the *Accessibility for Ontarians with Disabilities Act*. Cornwall has taken a proactive and inclusive approach to accessible transit.

9. Regulatory Requirements

9.1 In May 2010, the government approved:

- a) the proposed model for administrative penalties, and
- b) the designation of the Licence Appeal Tribunal to hear appeals of director's orders under the AODA.

The model for administrative penalties was developed to support enforcement activities and to act as a disincentive to non-compliance. Under this model, administrative monetary penalties will be used to encourage compliance and will be considered in cases where efforts to assist a non-compliant organization have been unsuccessful. The amount of the penalty will depend on the size and type of organization, its compliance history and the impact of the violation on people with disabilities. The penalty is issued using a director's order and can be appealed.

The Licence Appeal Tribunal has been designated as the tribunal to hear appeals of director's orders, such as orders for administrative penalties issued against organizations. The Licence Appeal Tribunal was deemed to be a suitable choice as it has experience with similar types of appeals and is well known by the regulated community through its involvement with a variety of other regulations.