



# The Corporation of the Town of Tecumseh

## POLICY MANUAL

<b>POLICY NUMBER:</b> 79	<b>EFFECTIVE DATE:</b> June 17, 2013
<b>SUPERCEDES:</b> N/A	<b>APPROVAL:</b> TAAC June 17, 2013 [TAAC - 02/13] Adopted by Council July 9, 2013 [RCM 212/13]
<b>SUBJECT:</b> Integrated Accessibility Standards Regulation (IASR)	

### **POLICY STATEMENT AND ORGANIZATIONAL COMMITMENT:**

- 1.1 The Corporation of the Town of Tecumseh 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* (AODA), 2005. The Corporation of the Town of Tecumseh shall use every effort to ensure that we meet the needs of people with disabilities, in a timely manner, through the implementation of this policy.

### **PURPOSE:**

- 2.1 Under the AODA all public and private sector organizations must meet the requirements of accessibility standards established by the regulation. This policy establishes the Integrated Accessibility Standards Regulation in the areas of Employment, Information and Communications and Transportation, for The Corporation of the Town of Tecumseh in accordance with Ontario Regulation 191/11 and with the Ministry of Community and Social Services intent to “streamline, align and phase-in accessibility requirements and allow for progress on accessibility and reduce the regulatory burden for obligated organizations”. This regulation came into force July 1, 2011.

### **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 (AODA):** 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 **Corporation:** means The Corporation of the Town of Tecumseh.
- 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 (IAP):** 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 (IASR):** 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 (LAT):** 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 **Tecumseh Accessibility Advisory Committee (TAAC):** is a committee with the primary purpose of consulting with and providing advice to Council on the annual municipal accessibility plan for the Corporation. TAAC 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”.

#### **SCOPE AND RESPONSIBILITIES:**

- 4.1 This policy has been drafted in accordance with the Regulation and addresses how the Corporation achieves accessibility through meeting the Regulation’s requirements. It provides the overall strategic direction that the Corporation will follow to provide accessibility supports to Ontarians 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, Employment and Transportation Standards.

#### **GENERAL PROVISIONS:**

##### **5.1 Multi-Year Accessibility Plan:**

The Corporation’s Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. The Corporation will report annually on the progress and implementation of the plan, post the information on our 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:

The Corporation 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 we will provide an explanation.

## 5.3 Training:

The Corporation will ensure that training is provided to all employees and regular fee-for-service staff 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. The Corporation shall maintain a record of the dates when training is provided and the number of individuals that participated.

## **INFORMATION AND COMMUNICATION STANDARD:**

6.1 The Corporation will create, provide and receive information and communications in ways that are accessible to people with disabilities.

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

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

## **EMERGENCY INFORMATION:**

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

## **FEEDBACK:**

8.1 The Corporation 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. The Corporation will notify the public about the availability of accessible formats and communication supports.

## **ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS:**

- 9.1 The Corporation 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;
  - d) notify the public about the availability of accessible formats and communication supports.

## **WEBSITE ACCESSIBILITY:**

- 10.1 The Corporation shall make their 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.

## **EMPLOYMENT STANDARD:**

- 11.1 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 The Corporation by January 1, 2014 unless otherwise specified.

## **RECRUITMENT AND RETENTION:**

- 12.1 The Corporation 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, the Corporation shall consult with the applicant and provide or arrange for the provision of a suitable accommodation that takes into account the applicant's disability;
  - c) notify successful applicants of the policies for accommodating employees with disabilities.

## **EMPLOYEE NOTIFICATION:**

- 13.1 The Corporation 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;
  - 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.

## **ACCESSIBLE FORMATS:**

- 14.1 In addition and where an employee with a disability requests it, the Corporation 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.

## **INDIVIDUAL ACCOMMODATION PLAN (IAP):**

- 15.1 The Corporation 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 IAP;
  - b) assessment on an individual basis;
  - c) identification of accommodation to be provided;
  - d) timelines for the provision of accommodations;
  - e) the Corporation may request an evaluation by a medical or other expert, at our expense, to assist with determining accommodation and how to achieve accommodation;
  - f) employee may request the participation of a representative from their 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 IAP will be reviewed and updated and the manner in which it will be done;
  - i) if denied, the reason 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;
  - l) identification of any other accommodation that is to be provided.

## **RETURN TO WORK:**

16.1 The Corporation 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 the Corporation will take to facilitate the return to work and include an IAP plan.

## **PERFORMANCE MANAGEMENT, CAREER DEVELOPMENT AND ADVANCEMENT, REDEPLOYMENT:**

17.1 The Corporation 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;
- c) using redeployment procedures.

## **WORKPLACE EMERGENCY RESPONSE INFORMATION:**

18.1 The Corporation 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 the Corporation shall provide the workplace emergency information to the person designated by the Corporation 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;
- 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.

## **TRANSPORTATION STANDARD:**

19.1 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, the Corporation will:

- a) consult with the TAAC, 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 TAAC, 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;
- e) ensure taxicabs have appropriate information displayed on the rear bumper and available in an accessible format to passengers.

19.2 The Corporation'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.

### **REGULATORY REQUIREMENTS:**

20.1 An Administrative Monetary Penalties scheme is being established under the AODA. The scheme will allow a director or a designate to issue an order against a person, organization or corporation to pay a penalty amount as a result of non-compliance with the AODA or the accessibility standards. The largest penalty amount that can be issued to an individual or an organization that is not a corporation is \$50,000.

20.2 Establishes an Administrative Monetary Penalties Program that prescribes the administrative penalties.

Use of administrative monetary penalties will be considered an avenue of last resort when all other compliance assistance and improvement options have been exhausted

20.3 Designates the License Appeal Tribunal (LAT) to hear appeals of Directors Orders under the AODA.

The LAT will hear appeals from organizations of director's orders, but not individual complaints. Individuals who feel their human rights have not been met would continue to complain to the Ontario Human Rights Commission.