SUBJECT: Implementation of Guidelines - O.Reg 429/07 Accessibility Standards for Customer Service, pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) (FCS09101(a)) (City Wide)

RECOMMENDATION:

That Appendix A to Report FCS09101(a) respecting the City of Hamilton Customer Service Guidelines for Accessibility be approved.

EXECUTIVE SUMMARY:

The Province of Ontario approved Ontario Regulation 429/07 Accessibility Standards for Customer Service, pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) to require accessibility in service delivery for municipalities, government agencies and boards and various classes of private sector organizations. Municipalities are to implement the standard by January 1, 2010. On June 8, 2009, the Committee of the Whole received a report from the Advisory Committee for Persons with Disabilities outlining their recommendations for implementation of the standard and the tools, processes and attitudes that would need to be in place for the City of Hamilton to meet the needs of people with disabilities. Their recommendations were referred to staff for a report on June 10, 2009. Staff provided an update to Committee of the Whole on November 9, 2010, of the status of the implementation and received direction to report back with final recommendations for the implementation of the standards, required policies, as well as, staffing, financial and legal implications. The final policies are provided in a separate report (refer to Report FCS09101(b)). Further information is
BACKGROUND:

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 first of the 5 different accessibility standards required to be implemented pursuant to the AODA is the Accessibility Standards for Customer Service, O.Reg. 429/07. This regulation came into effect on January 1, 2008, with a 2 year window for implementation by municipalities. The Advisory Committee for Persons with Disabilities provided their recommendations for implementation of the standard to Committee of the Whole on June 8, 2009. Staff provided an update report (refer to Report FCS09101) to Committee of the Whole on the status of the implementation of the standard on November 9, 2009. This report FCS09101(a) sets out the details of the implementation of the standard, noting the financial, legal and staffing implications.

ANALYSIS / RATIONALE:

Attached as Appendix A to FCS09101(a) are the Customer Service Guidelines for Accessibility to be implemented by the City of Hamilton in order to comply with O.Reg 429/07 Accessibility Standards for Customer Service, pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). This regulation is required to be implemented by January 1, 2010.

The guidelines proposed have been generated through consultation with community members, the Advisory Committee for Persons with Disabilities, community service providers, the Access and Equity Staff Committee and internal corporate communications. The attached guidelines (refer to Appendix A to report FCS09101(a)) outline the changes the City will make to ensure that people with disabilities can access City services with dignity and independence.

The regulation provides that, where the City’s guidelines do not meet the needs of a person with a disability in accessing City services, an alternative must be found to meet those needs. A review process will be established in the future to address emerging or
changing needs and to ensure that the City’s guidelines are updated to reflect changes that are developed to address ongoing barriers for people with disabilities.

**ALTERNATIVES FOR CONSIDERATION:**

There are limited, if any, alternatives to implementing the standard. The Ministry of Community and Social Services have informed us that they have established a compliance program and fines for non-compliance under the regulation are up to $100,000 per day or part of the day, if the City is found to be non-compliant. The first compliance report is due to be submitted to the Province by March 31, 2010.

As much as possible, we are preparing to implement the solutions recommended by the Advisory Committee for Persons with Disabilities. Where that is not completely feasible, alternatives have been sought and are being provided. The regulation does require that if our guidelines for implementation are insufficient to meet the needs of a person with a disability, we must provide an alternative to meet those needs.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial Implications

a) Departmental Feedback on Financial Implications

Feedback was received from several departments with respect to the financial implications of implementing the guidelines.

The Public Health Department noted that there will be additional costs related to possible increased requests for American Sign Language interpreters, or conversion of documents to Braille and large print. However, as they are unaware of the volume of requests, it is not possible to estimate the budget impacts. They will monitor the expenses for 2010 and evaluate whether additional funds will be needed prior to the 2011 budget process.

Hamilton Emergency Services noted that there may be incremental costs for printing of brochures and materials in large print or documents to be converted to Braille. However, as most documents are available electronically, the additional costs are expected to be minimal.

The Strategic Planning and Rapid Transit section of Public Works estimated potential costs related to providing American Sign Language interpreters and conversion of documents to large print to be in the range of $15,250 to $29,500 for provision of these alternatives at 30 Public Information Centres, per year, and 35-50 documents per year. They also noted staff wage costs of $18,375 to $26,250 for time spent converting
documents to large print. They will cover these potential costs from project budgets, with no impact on operating budgets.

The Community Services Department estimates an additional expense of $14,500 for modifications to public computers and service counters required to implement the standard.

The Clerks Division of Corporate Services Department expressed concern about the possible financial impacts should there be numerous requests for American Sign Language interpreters for Council and Committee meetings or numerous requests for conversion of agenda materials to large print and Braille. The 2010 Budget Enhancement request detailed below (page 5) is intended to address these impacts, as well as, impacts to all departments.

The Planning and Economic Development Department also noted that additional costs related to requests for conversion of documents to large print or Braille, as well as, the possible need for American Sign Language interpreters are difficult to estimate without knowing the volume of requests. They note that they have not received many requests in the past, but acknowledge that this may change. Specific costs were noted for the Business Incubator (Hamilton Technology Centre – HTC) capital upgrades at $9000 and additional costs for an accessible counter at the Animal Control Dartnall Road site.

As noted in the previous report (refer to Report FCS09101), Corporate Facilities has undertaken a complete accessibility audit of several City facilities based on the City’s current Barrier Free Guidelines. The 16 audits completed, to date, have focused on buildings with a public customer service component; they include all of the Town Halls, the Fire administration building and the two operations centres with a service desk open to the public. In addition, there was a sampling of 4 libraries audited to provide a base for the review of the remaining library facilities. Additional building audits are planned which will be helpful in planning improvements to address the current accessibility challenges in the remaining facilities within the Corporate portfolio.

As a result of this audit, it has been determined that to have the most immediate concerns (building access, entrances and washrooms) addressed, in only these 16 facilities within our portfolio, would cost, for 2009 alone, upwards of $350,000; the majority of which is capital in nature. For the years following, Corporate Facilities estimate the cost to retrofit those same buildings for a full upgrade to our Barrier Free Guidelines, (as the Built Environment Standard has yet to be completed), to be $4.3 million, an average expenditure of $270,000 per building.

b) General Comments on Financial Implications

There was an approval for capital funding in 2009 of $250,000 which will be utilized to provide the additional accessibility equipment required and to supplement the accessibility dollars in the Facilities and departmental budget for accessibility improvements to facilities and service counters.
The costing implications of other items requiring additional funding are not yet fully known, such as those for facility improvements, revisions to web services and possibly new or modified programs such as recreation and culture programs. Staff have tried to minimize the financial implications by phasing in, over time, a more complete implementation of the guidelines, ensuring that accessible service is available, at least, in one location and phasing in the changes required in the future. Any requirements for funds beyond those currently provided for in capital and operating budgets will be reported on separately by the respective department.

Financial implications of the policies required to implement the standard are included in the policy report (refer to Report FCS09101(b)).

With respect to the financial impacts of requirements to communicate and provide supports using American Sign Language interpretation, conversion to Braille, real time or closed captioning, we will need some time to elapse until we can estimate the volume of demand for the services and the impacts on operating budgets. The financial impacts should be better known for the 2011 budget. In addition, we are not aware of the requirements for provision of documents in large print, as well as, the demands for augmentative equipment to be made available beyond those planned in the roll-out. These costs will need to be borne from the operating or project budgets and additional funding will be considered during the 2010 budget ($100,000 enhancement request) and beyond to support these alternatives. It will take some time to understand the impacts of these requests.

Staffing
Other than staff costs, related to coverage of some staff during the roll out of the training, which will be minimized, as much as possible, there are no staffing implications.

Legal
The Accessibility Standards for Customer Service, O.Reg. 429/07, is a Provincial regulation which the City is required to implement. The Fines for non-compliance under the regulation are up to $100,000 per day or part of the day, if the City is found to be non-compliant.

POLICIES AFFECTING PROPOSAL:

There are several policies being developed for the implementation of O.Reg. 429/07, which are being brought forward under a separate report (refer to Report FCS09101(b)) for approval.

RELEVANT CONSULTATION:

All departments have been consulted in the development of this report FCS09101(a).
CITY STRATEGIC COMMITMENT

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens. The implementation of the AODA Customer Service 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.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

There is no negative impact on the environment.

Economic Well-Being is enhanced. ☑ Yes ☐ No

Economic well-being is enhanced as access to opportunities and services is enhanced for people with disabilities.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

The Customer Service 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 Customer Service 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.
A. Principles

1. Alternative methods of service will be made available to persons with disabilities.

2. The principle of one service delivery channel not creating an advantage or disadvantage over another channel will be addressed in service delivery plans.

3. Alternatives will be made available for on-line forms; including one or more of the following: print copies, ability to complete forms by phone or in person.

4. Staff will be encouraged to use plain English and simple language.

5. Public use computers will be made more accessible; web services will only be made fully accessible on completion of the revisions to the City’s website and in conjunction with the implementation of the Information and Communications Standard.

6. Procedures and training materials will encourage alternatives (alternative service delivery channels, re-scheduled meetings, waiving of late fees, extension of deadlines, etc) to be offered to people who utilize Accessible Transportation Services, to recognize that the system may not get them to meetings on time, may be cancelled in inclement weather, etc.

7. Attitudinal barriers will be addressed in the Toolkit of “How to Serve People with Disabilities” and in the training.

8. Protection of personal privacy will be addressed in the procedures, toolkit and training.
B. Service Delivery Changes – General

i. Over The Counter Service

1. Education/awareness/sensitivity training will be addressed in the toolkit and the training.

2. A quiet room for privacy of conversations, and interviews will be made available on request, where appropriate space is available.

3. Staff will be trained to clarify information and verify that the customer has understood the City’s forms, letters and documents.

4. Magnification tools will be provided at all counters.

5. Electronic improvements will not be made until updating of the City’s website or with the Information and Communications Standard. Improvements may be made earlier, where possible. Alternatives will be available through other channels, on request.

6. People with disabilities will have the right to make an appointment and advise in advance of the supports they require.

7. Staff will be requested to consider in their procedures, that there are some people who are unable to wait in line, and to accommodate this situation in their procedures.

8. Staff will be trained to provide assistance to people who need support in completing forms; procedures will address a consent waiver, and privacy concerns.

9. Upon request, all documents will be made available in large print, clear print or Braille, in accordance with procedures.

10. Upon request, amplification or hearing devices (FM systems) will be made available, in accordance with procedures.

11. Computers in use at counters will be modified over time to ensure the ability to swivel them for customers to view.

12. Support persons and service animals will be allowed in service counters and locations, and are not to be separated from the person with a disability, in accordance with the policies and procedures.

13. People may request, in advance, the use of an American Sign Language interpreter, in accordance with the procedures.
14. Alternatives will be available for customers who have limited speech or need to communicate by text – alternatives will include a text communication device, available on request in accordance with the procedures, or the use of pen and paper.

ii. Service by Telephone

1. Staff information will include the following recommendations for use and design of the telephone system at the City:
   a. slower paced automated telephone response
   b. limiting automated phone tree options
   c. provision of a live answer option

2. Messaging in queue is being considered for future implementation to note the estimated length of time in the queue, as system modifications and upgrades permit this change.

3. The City will continue to rely on the Bell relay resource as the teletypewriter (TTY)

4. Text responses are being considered for future implementation, in accordance with the Information and Communications Standard.

5. A voice-activated version of the City’s telephone directory will be implemented, as system modifications permit this change.

iii. Electronic or On-line Service Delivery

1. Accessibility of the City’s website will be considered during improvements to be made to the city’s website, or in accordance with the Information and Communications Standard. Consideration will be given to the following:
   a. Ability to enlarge fonts
   b. Ability to have the web content read aloud
   c. Links and boxes to be larger font
   d. make the website more intuitive
   e. Separate pictures and viewing materials from text
   f. Easier navigation, with steps in order, and all instructions up front
   g. Final messaging to indicate success or lack of success with on-line applications
   h. Clear, large notes about mandatory fields

2. Interim improvements will be made, when possible, in advance of the Information and Communications Standard.
3. Web Author Guidelines will be assessed for improvements to ensure that future web content and applications are accessible, as well as encouraging the use of plain English and simple language, wherever possible.

4. On-line forms will be one option of service access available, with alternative options being available. Options may include one or more of the following – printable forms to be completed in hard copy, in person or telephone completion of forms; Adobe forms also to be available in MS Word.

iv. E-mail and Printed Material

1. The City will use Clear and Large Print Guidelines for e-mail responses.

2. The City will provide large print, clear print, or Braille copies on request.

v. Services Delivered By Visiting People’s Homes

1. The City will make appointments for home visits except in some enforcement situations, and City staff will carry identification as City workers, with photo ID, and large print business cards.

2. Assistive devices will be available on request, with request to be made while scheduling the appointment – assistive devices may include text communication devices, FM systems, text to speech devices, magnification devices.

3. Support persons or friends are allowed to assist at home visits, subject to consent of the person with a disability.

4. Assistance with forms may be provided, subject to consent of the person with a disability, in accordance with the procedures. Note: privacy and liability concerns must be adequately addressed.

5. Documents will follow the Clear Print and Large Print Guidelines and will be made available in large print or Braille on request.

6. Flexibility in meeting customers’ needs will be considered, including the use of other channels, such as voice or web.

7. American Sign Language interpreters, intervenors, or support persons will be provided on request.

vi. Films

1. Any new films produced by the City will provide alternative formats, such as written script, auditory script or closed captioning.
vii. Public Meetings, Open Houses

1. Consideration will be given to the Checklist for Accessible Meetings when scheduling, organizing, and setting up public meetings, information centres and open houses.

2. Accessibility supports such as real time captioners, American Sign Language Interpreters, intervenors, etc. will be made available on request, in accordance with the procedures.

3. Assistive devices may be provided at scheduled for public meetings, information centres and open houses, and will be made available on request, where not scheduled. Assistive devices may include infrared hearing systems, FM systems, infrared amplification devices, electronic copies of presentations, text to talk versions of reports or materials, or magnification devices.

4. Documents will be made available, on request, in Braille, clear print or large print.

5. Advertisements and notices of public meetings, information centres, and open houses will indicate the level of accessibility of the venue, and any accessibility supports being provided.
C. Service Delivery Changes – Specific Services

i. Waste Management

1. Procedures will be established to address requests for smaller green carts.

2. Assistance will be provided, on request, at Community Recycling Centres.

3. Written community outreach materials, forms and advertising will be made available in large print on request, in accordance with the Large and Clear Print Guidelines, as well as Braille, on request.

ii. By-law Enforcement

1. Appointments will be made for most inspections (example of an exception: heat by-law enforcement).

2. Officers will be in uniform, carry photo ID and drive vehicles labelled Municipal Law Enforcement.

iii. Hamilton Emergency Services

1. Procedures allow for transportation of service animals, support persons, and mobility device, if it can be secured.

2. Braille version of forms and magnification devices will be carried on all ambulances.

3. The Hamilton Fire Services smoke alarm program will offer provision of smoke detectors with visual alarms (strobe light) as an alternative to the audible alarms.

iv. Ontario Works

1. Intake screening will be permitted by a home visit if a face-to-face interview is not possible.

2. American Sign Language interpreters and assistive devices such as FM systems will be made available, on request, in accordance with the procedures.

3. Employment assistance will be provided for people with disabilities, with provision of accessibility supports or devices on request. Referral to community agencies is an option.
4. Accessibility of the public computers at the Employment Centre will be improved as technology improvements permit.

v. Culture Division

1. An alternative electronic or virtual tour will be created for locations/areas that can't be modified for accessibility. Visual and audio description will be provided.

2. All display captions will be available in large print, and Braille on request.

3. Any use of films will be closed captioned and/or audio described.

4. American Sign Language Interpreters will be made available upon advance request.

5. Assistive devices such as FM hearing systems will be made available on request.

6. The City will communicate which cultural locations are accessible and to what degree.

7. Consideration will be given, where possible, in future renovations to improved physical accessibility.

vi. Recreation

1. Promotional material will be made available in accordance with the Clear Print and Large Print Guidelines, and in Braille, on request.

2. The City will communicate which recreation locations are accessible and to what degree. Particular attention will be given to communicate the following:
   a. accessible family washrooms / special washrooms for persons with support persons
   b. depth of pools, ramps or lifts in pools & raised or dropped floors in pools, where possible
   c. Interpreters on request to assist with programming and teachings on how to use equipment

3. The City will undertake a Needs Assessment for Persons with Disabilities to identify programming needs of people with disabilities.
4. The City will work towards equipping buildings with visual alarms for smoke detectors.

5. The City will develop a plan to improve the physical accessibility of recreation centres and facilities.

D. Training

1. Training will be undertaken in accordance with the policy. Training will address the principles of the regulation, including respect for the dignity and independence of people with disabilities.

2. Training will focus on attitudes and how to serve people with disabilities.

3. Training will also address how to use assistive devices and how to serve people who use assistive devices

E. Facilities Renovations for Accessibility

1. All services provided at service counters will be available in at least one accessible location.

2. Accessible locations will, at a minimum, have an accessible counter, ramp or elevator, accessible door openers and an accessible washroom. Accessible signage and way-finding must also be considered.

3. The City will communicate which service locations are accessible and to what degree.