Proposed Program

**Purpose:**
Addressing deficiencies in existing accessibility standards and implementing improvements. The proposed budget includes funding for the development and implementation of the Annual Accessibility Plan, which will be shared with departments).

**Proposed Budget:**
- **2007:** $60,000
  - This amount will be used to fund the development of the Annual Accessibility Plan and support for ACPD.
  - The plan will be reviewed and updated annually to ensure compliance with ADA standards.

**Service Impact Indicators:**
- **Effective Date:** 1/6/2007

**Type of Change:**
- Access & Equity:
  - Review of Corporate Services to meet ADA requirements

**Department:**
- Corporate Services

**Section:**
- Customer Services

**Program Description:**
- The program addresses accessibility issues through the development and implementation of the Annual Accessibility Plan. The budget funds support for ACPD and review of corporate services to meet ADA requirements.
CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Customer Service, Access & Equity Division

Report to: Chair and Members
Corporate Administration Committee

Submitted by: Joseph L. Rinaldo
General Manager
Finance and Corporate Services

Date: August 25, 2006

Prepared by: Jane Lee x2654
Maxine Carter x6419

SUBJECT: 2006 Annual Accessibility Plan - Ontarians with Disabilities Act Report (FCS06088) (City Wide)

RECOMMENDATION:

a) That the 2006 Annual Accessibility Plan for the City of Hamilton attached as Appendix "A" to Report FCS06088 be approved and be made available to the public; and

b) That the Advisory Committee for Persons with Disabilities be thanked for their advice and contribution towards the completion of the plan; and

c) That additional resources required for accessibility requirements be brought forward for consideration during the 2007 budget deliberations.

Joseph L. Rinaldo
General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

The Ontarians with Disabilities Act, 2001 requires municipalities to prepare an annual accessibility plan, and to consult with the accessibility advisory committee about the preparation of the plan. The plan, which is attached as appendix A for approval, has been reviewed by the members of the Advisory Committee for Persons with Disabilities and the staff Access & Equity Support Committee, who have submitted comments. The comments of the committee members have been taken into consideration in the finalization of the plan.
The 2006 Accessibility Plan provides an update on the City initiatives that were detailed in the 2005 Accessibility Plan, as well as a listing of new initiatives to be undertaken from September 2006 to September 2007 in order to address issues of barriers to persons with disabilities. In addition, the plan provides an overview of the consultation activities that have taken place over the last year with respect to identification and removal of barriers for persons with disabilities.

BACKGROUND:

The Ontarians with Disabilities Act, 2001 (ODA) received Royal Assent on December 14, 2001, with municipal sections being proclaimed effective on September 30, 2002.

The ODA was passed to improve access and opportunities for persons with disabilities, and it requires the input of persons with disabilities to identify, remove and prevent barriers. The purpose of the Act stated in the legislation is as follows:

"...to improve opportunities for persons with disabilities and to provide for their involvement in the identification, removal and prevention of barriers to their full participation in the life of the province."

Section 11 of the Act sets out the requirements of municipalities, which include the preparation of an annual accessibility plan, and the receipt of advice from the Advisory Committee for Persons with Disabilities on the plan.

The ODA sets out the requirements for the annual accessibility plan. The accessibility plan must address the identification, removal and prevention of barriers to people with disabilities in the City’s by-laws, policies, programs, practices and services. The ODA notes that the annual plan must include the following components:

- report on the steps taken to identify, remove and prevent barriers to people with disabilities
- detail how the City assesses its proposals for by-laws, policies, programs, practices, and services
- a list of the programs, policies, practices and services that will be reviewed in the following year to identify barriers
- detail how the City will identify, remove and prevent barriers in the coming year

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 and buildings for persons with disabilities. Persons with disabilities and representatives of the Ontario government, industries and various economic sectors will be involved in the development of the accessibility standards.
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Under the AODA, accessibility standards will be established by the Ontario government and will detail the measures, policies, practices and other steps needed to remove and prevent barriers for people with disabilities. Both visible and invisible disabilities will be addressed by the standards including physical, sensory, hearing, mental health, developmental and learning disabilities.

Standards are currently being developed in the areas of Transportation and Customer Service. The Province is in the process of establishing standards development committees in the areas of Built Environment, Information and Communications, and Employment for people with disabilities.

The AODA covers both the public and private sectors. Once standards have been set, they will establish the persons and organizations who must comply, as well as the timeframe for compliance. There may be different timelines and requirements for different kinds of organizations.

Under the Accessibility for Ontarians with Disabilities Act, 2005, the City of Hamilton is required to implement the accessibility standards which apply to municipalities, and is required to file and make public an annual accessibility report outlining the level of compliance with the standards. The Provincial government may conduct spot audits to verify the contents of the City's reports. Once standards are established under the AODA, the City's Annual Accessibility Plan will outline the City's compliance with the accessibility standards set by the Province of Ontario.

It is anticipated that the standards for Transportation and Customer Service may be approved by mid-2007.

In accordance with the requirements of the Ontarians with Disabilities Act, the attached 2006 Annual Accessibility Plan for the City of Hamilton is presented for Council's approval.

Analysis/Rationale:

Over the past year, the City has taken steps towards implementing the initiatives outlined in the 2005 Accessibility Plan for the City of Hamilton. While there has been some activity on most initiatives outlined in the 2005 Accessibility Plan, most of the initiatives are not fully complete. Many are close to the final report and decision-making stage, while research has been completed on others. In some cases, there is little research information available and, in most cases, initiatives take longer that a year to complete. All of the initiatives planned for 2005 which are not yet complete will continue in the 2006 plan as ongoing initiatives.

Over the past year, there has been a consistent level of consultation with the Advisory Committee for Persons with Disabilities by departmental staff about new or revised policies, initiatives, and programs. It has been encouraging to see the continued focus on consultation with respect to policies and programs, in a proactive manner. It is preferable to have matters dealt with at the policy and program level, rather than dealing
with specific complaints, because it has the ability of ensuring broader change in eliminating barriers.

A significant achievement this year is the updating of the City’s Barrier Free Standards through the Capital Planning Division of the Public Works Department and the Customer Service, Access and Equity Division of the Corporate Services Department. The City’s Barrier-Free standards are available on the City’s website for use by the private sector and other public sector agencies. As the Province moves towards establishing standards for the built environment, it will be advantageous for any building projects in advance of those standards to utilize the City’s Barrier Free standards in order to avoid what will likely be more costly renovations at a later date.

All new initiatives proposed for the coming year, as identified by various departments and divisions are included in the 2006 plan. An annual accessibility plan must be prepared and approved by the City of Hamilton each year by the end of September.

**Alternatives for Consideration:**

Alternatives to the specific initiatives will be addressed, if possible, when they are considered as set out in the plan.

**Financial/Staffing/Legal Implications:**

In terms of financial and staffing implications, there are no identified implications specifically related to the approval of the ODA plan. The staff Access and Equity Support Committee, as part of their role, contributes to the preparation of the annual plan, and regularly monitors the implementation activities, providing updates on a regular basis to the Advisory Committee for Persons with Disabilities.

However, preparation of the Accessibility Plan on an annual basis and maintaining monitoring functions of the activities in the plan, as well as the activities of the Advisory Committee and the work of all departments related to the elimination of barriers for persons with disabilities is a time-consuming and onerous task, one which the Customer Service, Access and Equity Division is not fully able to undertake. The tasks of following up with and educating the departments, the advisory committee and the staff committee constantly fall behind. This situation and the requirements to implement standards under the AODA will become critical in 2007 and will require additional resources. Additional resources to support the organization’s accessibility requirements and initiatives should be reviewed during the 2007 budget deliberations.

Many of the initiatives outlined in the plan will be undertaken by staff, therefore utilizing staff resources. Implementation of specific initiatives which require financial resources will have to be budgeted for or accommodated in existing approved budgets. For initiatives that require funding, the budgets will be brought forward for Council’s consideration during the 2007 budget process. As many of the initiatives still require
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consideration during the 2007 budget process. As many of the initiatives still require consultation about the specific nature of barriers and possible solutions, costs can not always be identified at the time of preparation of the plan.

The legal implications of the Accessibility Plan are such that the completion of an Annual Accessibility Plan by September 30th, the provision of advice about the plan to Council by the Advisory Committee for Persons with Disabilities, and making the plan available to the public will address the municipality's legal obligations under the Ontarians with Disabilities Act. Once standards are developed under the Accessibility for Ontarians with Disabilities Act, a new approach to the preparation and monitoring of the plan will be required, as we start to work towards compliance with the regulations. We expect that the first standards will be approved by mid-2007.

POLICIES AFFECTING PROPOSAL:

This plan has been prepared to address the City's obligations under provincial legislation to produce an annual accessibility plan. In addition, there are several City policy documents which speak to the City's current commitment to addressing the needs of persons with disabilities.

The City's Barrier Free Design Guidelines for buildings address physical barriers of persons with disabilities, as do the Urban Braille guidelines. There are also many City policies which address matters for employees with disabilities, such as the Corporate Health Policy, the Work Accommodation Policy, and the Policy against Harassment & Discrimination. The Technology Entitlement Policy also addresses the possible needs of employees with disabilities. Where affected or planned for review, policies are noted in the plan.

RELEVANT CONSULTATION:

During the preparation of the plan, there was consultation with City departments through the Access and Equity Support committee, and with other members of departmental staff. Input was provided by all City Departments, as well as the Hamilton Public Library. The Access and Equity Support Committee has embraced the spirit of the legislation and the desire to eliminate barriers for persons with disabilities. Over the past year, they have commenced implementing an awareness campaign for staff members to facilitate awareness and understanding of the City's obligations under the Ontarians with Disabilities Act and the AODA its responsibilities to members of the community who have disabilities. The staff committee should be thanked for their ongoing assistance in the preparation and monitoring of the plan.

One of the most valuable resources has been the input and advice from the Advisory Committee for Persons with Disabilities, which has provided valuable insight, suggestions, and advice into the barriers faced by persons with disabilities and their priorities in terms of starting to address these barriers. This input and advice takes place over the course of the year, addressing issues of importance in many operational areas,
and is not related solely to the preparation and monitoring of the implementation of the annual accessibility plan. The committee is very committed to assisting the City with respect to identifying and eliminating barriers faced by community members with disabilities. This year the committee has set up sub-committees to address input and implementation of matters related to the proposed standards area. Sub-committees of the Advisory Committee have been formed or are being continued as follows:

- Transportation Sub-committee
- Customer Service Sub-committee
- Built Environment Sub-committee

This committee and its sub-committees require a large time commitment for the volunteer citizen members, as well as the staff who try to provide support.

**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

Environmental Well-Being is enhanced. ☐ Yes ☐ No

Economic Well-Being is enhanced. ☐ Yes ☐ No

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 City of Hamilton Annual Accessibility Plan will be an important annual task as the City moves forward in addressing both the spirit and the intent of the Ontarians with Disabilities Act.

The Annual Plan and the information and initiatives contained in it will help to move the City towards the vision of a "city of diverse communities, led by Council"...governing " in an open and accessible manner". It specifically addresses the values of respect of the need of all residents, for all viewpoints, and for the diversity of the community, as well as having compassion for and meeting the needs of residents with special needs and interests.