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

RECOMMENDATION:

That Appendix “A” attached to Report FCS09101(b) respecting the Accessible Customer Service Policies be approved and implemented effective January 1, 2010.

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. One of the requirements of the regulation is approval of policies, including policies related to assistive devices, support persons, service animals, training, communications, service disruption and the feedback process. This report provides the policies required by the regulation for Council approval.

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. There are several policies required by the regulation which will guide the City’s implementation of the Customer Service Standard, provide the public with an understanding of how the City will implement the standard and detail the policies that will need to be implemented by City staff with respect to how services will be provided for people with disabilities, ensuring that services can be accessed independently and with dignity.

ANALYSIS/RATIONALE:

The policies required to be implemented are attached as Appendix A to report FCS09101(b).

Communication Policy
This policy ensures that all persons with disabilities who receive goods and services provided by the City of Hamilton enjoy unhindered and respectful access to those goods and services, irrespective to their communication mode while maintaining their dignity and independence. It is intended to facilitate efficient, effective and respectful provision of goods and services to persons with disabilities. All communication between the City of Hamilton and the public shall take into account the communication needs of persons with disabilities.

Disruption Notice Policy
This policy is intended to ensure that persons with disabilities are advised of service interruptions, in a timely manner, and in locations accessible to the person using the service.

Assistive Devices Policy
The Assistive Devices Policy is intended to remove potential barriers by ensuring full access of services for persons with disabilities who use assistive devices. The goal is to provide a respectful and welcoming environment that maintains the dignity of all persons with disabilities who use assistive devices.
Service Animals Policy
The purpose of this policy is to remove potential barriers by ensuring full access of services and equality of opportunity for persons with disabilities who use service animals. Aspects such as accommodating and interacting with service animals are included in the policy procedures.

Support Persons for Persons with Disabilities Policy
This policy aims to remove potential barriers and provide a respectful and welcoming environment for all persons with disabilities who are accompanied by their support persons. The policy provides that there will be no fees charged for support persons when they are accompanying/supporting a person with a disability. This includes recreation programs, cultural facilities and programs and all forms of transit provided by the City.

Resident and Visitor Feedback and Complaints Policy
This policy is intended to facilitate accessible two-way feedback process regarding provision of goods, services and programs for persons who have disabilities. It also provides an opportunity to persons who have disabilities to give feedback and provide complaints regarding goods, services and programs provided by the City of Hamilton.

Training Policy
The training policy ensures that the Mayor and Councillors, all staff, volunteers and others who interact with the public or third parties acting on behalf of the City pertaining to provision of goods, services and programs to persons who have disabilities are appropriately trained, knowledgeable and skilled in providing goods, services and programs to persons with disabilities pursuant to the Customer Service Standard.

ALTERNATIVES FOR CONSIDERATION:
As the policies are required to implement the standards, there are limited options to approving the policies. Having policies in place by January 1, 2010, is one of the requirements the City must report on in the first compliance report which is due March 31, 2010. Each of the policies could be amended, in terms of direction, should Council choose. The proposed policies have been drafted in a manner which is consistent with the Human Rights Code, the spirit and intent of the Accessibility for Ontarians with Disabilities Act, and the stated purpose of the Accessibility Standard for Customer Service.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
Financial Implications
Many of the policies do not have financial implications. The Service Disruption Notification Policy, Resident and Visitor Feedback and Complaints Policy and Service Animals Policy do not have financial implications. The Training Policy sets out who needs to receive training in a manner consistent with the regulation. The training will be
provided from current operating funds. The Assistive Devices Policy can be implemented without additional budget dollars, as assistive devices being provided by the City are being acquired with the capital funding in 2009 of $250,000.

The Support Persons Policy includes the right of persons to be accompanied by a support person and addresses the fees to be charged for "support persons" as defined in the regulation. "Support person" means, in relation to a person with a disability, another person who accompanies him or her in order to help with communication, mobility, personal care or medical needs or with access to goods or services". The Support Persons Policy is recommended to be implemented for all city services including for conventional fixed route transit, Hamilton Street Railway (HSR) and Accessible Transportation Services – DARTS. Several Divisions have noted that they already allow support persons and they do not charge attendance or participation fees. This policy direction has been discussed with staff of the operating departments that will be impacted and it has been noted that the impacts of not requiring payment for support persons will be minimal, with the exception of Transit.

The existing policy for the HSR provides that people who utilize mobility devices and who have a support person are not required to pay a fare for the support person. This benefit is not currently provided to people who have other types of disabilities and who travel with a support person. It is recommended that the policy be offered to all people with disabilities who need a support person to fully participate and access City services and venues. The policy will necessarily be implemented at Hamilton Street Railway (HSR) through interim measures to ensure inclusion, followed within twelve months by a permanent process utilizing a photo ID system which will assist bus operators in confirming passenger requirement for the assistance of a support person.

There is no way of estimating the change in revenues for HSR when it fully implements the policy, as there is no previous tracking of the number of support persons who may have accompanied passengers with disabilities on HSR, nor the number who may accompany passengers in the future. The known loss of revenue for Transit is projected at $15,000, based on numbers of trips by support persons on DARTS in 2008. As implementation of the Support Person Policy had been anticipated under changes to the Eligibility and Registration Policy for Accessible Transportation Services, sufficient approved operating fund allocation is available to offset the change in revenues.

The Communications Policy provides for changes in the way we communicate with people with disabilities, in accordance with the regulation. Any impacts of the policy are to be covered in 2010 by a budget enhancement request of $100,000.

**Staffing**

There are no staffing implications as a result of the approval of the policies.

**Legal**

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 proposed standard represents progress towards achieving fully accessible service for people with disabilities in Ontario, as required by the Accessibility for Ontarians with Disabilities Act and consistent with the City’s obligations under the Ontario Human Rights Code.

**POLICIES AFFECTING PROPOSAL:**

These policies are required for implementation of O. Reg. 429/07.

**RELEVANT CONSULTATION:**

The Advisory Committee for Persons with Disabilities and the Customer Service Sub-Committee of the Advisory Committee were consulted during the development of the policies. All departments have been consulted in the development of these policies.

**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.
POLICY STATEMENT OF COMMITMENT TO ACCESSIBILITY AND PERSONS WITH DISABILITIES

The City of Hamilton is committed to ensuring that Council, all levels of corporate management and staff, plan, implement and evaluate strategies and opportunities that sustain and maintain the rights of persons with disabilities and their families to barrier-free programs, services and opportunities. In so doing, the City implements the Human Rights Code and the Accessibility for Ontarians with Disabilities Act, 2005 according to the legislation’s standards for: Customer Service (already approved); Transportation; Employment; the Built Environment; Information and Communications.

The City of Hamilton is committed to providing customer service to persons with disabilities in a manner that:

- Respects their dignity and independence.
- Is integrated as fully as practicable into the method of service delivery.
- Ensures reasonable efforts are made to provide equitable opportunities to accessing goods and services.
- Allows persons with disabilities to benefit from the same services, programs and opportunity in ways that are based on their own needs and self-determination.
COMMUNICATION POLICY

Policy Statement: The City of Hamilton’s Mayor, Councillors and staff will communicate with persons who have disabilities in ways that are respectful and take into account the person’s disability.

Guiding Principles: To ensure that all persons enjoy unhindered and respectful access to goods, services, programs and opportunities provided by the City of Hamilton, irrespective of their method of communication, while maintaining their dignity and independence.

Purpose: To ensure that all persons providing goods and services on behalf of the City of Hamilton, shall take into account the communication needs of persons with disabilities.

Goals: To facilitate efficient, effective and respectful provision of goods, services, programs and opportunities to persons with disabilities.

To ensure that staff know how to provide service in various manners or know who is able to and/or assigned to provide same including accessing American Sign Language interpreters, interveners, large print, audio formats, Braille, hand-writing and texting formats.

Definition: Communication is a process of providing, sending, receiving and understanding information. Communication must take place in a manner that takes into account the individual’s disability. This means that you must consider how the disability affects the way that the person expresses, receives or processes communications.
DISRUPTION NOTICE

POLICY

Policy Statement: The City of Hamilton will, in advance, where possible and in a timely manner, provide notice when services are temporarily disrupted, particularly those services used by or relied upon by persons who have disabilities.

Guiding Principles: To ensure all persons who use goods, services and programs provided by the City of Hamilton shall enjoy unhindered and respectful access while maintaining their dignity and independence.

Purpose: To ensure that persons with disabilities are advised of service interruptions, in a timely manner and in locations accessible to the person using the service.

Goals: To facilitate efficient, effective and respectful provision of goods, services, programs and opportunities to persons who have disabilities.

Definitions: Disruption of service may include closure of a service or program, whether temporary or permanent and any disruption in service that would normally be considered unanticipated or unexpected. You must provide a notification of disruption of service for any location, that a person with a disability must use, in order for the goods, services and programs to be accessible to them.

Examples of disruption of service can be due to one or more of the following:

- Inaccessibility to entrances.
- Lack of safety when accessing an entrance.
- Automatic door openers not working.
- Elevating devices not working.
• Lack of technical aids routinely provided by the City of Hamilton.
• Insufficient lighting for persons with low vision.
• Building maintenance.
• Lack of availability of Interpreters.
ASSISTIVE DEVICES
POLICY

Policy Statement: The City of Hamilton welcomes and provides equitable access to all goods, services, programs and opportunities to persons with disabilities who use personal assistive devices. They must be permitted to use their personal assistive devices unless prohibited by law. Persons with disabilities must be made aware of any assistive devices, services and service methods, supplied by the City of Hamilton, that may assist with the provision of goods, services, programs and opportunities. Staff must know how to use the devices and equipment available in their specific areas. Assistive devices must be offered in a manner that respects a person’s dignity and independence.

Guiding Principles: To ensure that all persons enjoy barrier-free and equitable access to City of Hamilton goods, services, programs and opportunities while maintaining their dignity and independence.

Purpose: To remove potential barriers by ensuring equitable access to goods, services, programs and opportunities for persons with disabilities who use personal assistive devices.

Goals: To provide a respectful and welcoming environment that maintains the dignity and independence of all persons with disabilities who use personal assistive devices.

Definitions: A Personal Assistive Device is any technical aid, communication device or medical aid that is designed, made, adapted or customized to assist a person with a disability, to increase, maintain, or perform a particular task. Assistive devices include
but are not limited to, canes, crutches, walkers, wheel chairs, white canes, identity canes, oxygen tanks, hearing aids, word boards, electronic communication devices, augmentative and alternative devices, Bell Relay and telephone amplifiers.
Service Animals Policy

Policy Statement: The City of Hamilton welcomes and provides equitable access for persons with disabilities accompanied by a guide dog or service animal to all facilities. The person will be permitted to enter the facility with the service animal and will be permitted to keep the animal with her/him unless the animal is excluded, by law, from the premise.

Guiding Principles: To ensure that all citizens enjoy equitable access to the City of Hamilton services, programs and opportunities, while maintaining their dignity and independence.

Purpose: To remove potential barriers by ensuring equitable access to programs and services and equity of opportunity for persons with disabilities who use service animals.

Goals: To provide a respectful, safe and welcoming environment for all persons with disabilities who use service animals.

Definitions: Service animals are animals that are individually trained to carry out tasks for persons with disabilities. Service animals are generally dogs, but may include other types of animals such as, but not limited to, cats, rabbits or reptiles. Such service animals may be used to assist a person who is blind, has a vision impairment or low vision; a person who is deaf, deafened or hard of hearing; a person who has a mobility disability or difficulties with strength or dexterity; a person who has autism, an intellectual disability or a developmental disability; a person who has a mental health disability and many other reasons.
SUPPORT PERSONS FOR PERSONS WITH DISABILITIES
POLICY

Policy Statement: The City of Hamilton welcomes and is committed to ensuring equitable access to all goods, services, programs and opportunities for persons with disabilities who are accompanied by support persons. There may be a need to require a person with disabilities to be accompanied by a support person but only if a support person is necessary to protect the health and safety of the person with disability or the health and safety of others on the premise. There will be no fees charged for support persons.

Guiding Principles: To ensure that all citizens enjoy equitable access to City of Hamilton services, programs and opportunities while maintaining their dignity and independence.

Purpose: To remove potential barriers to ensuring equitable access to services for persons with disabilities who are accompanied by their support persons.

Goals: To provide a respectful, safe and welcoming environment for all persons with disabilities who are accompanied by their support persons.

Definitions: A support person is an individual hired or chosen by a person with a disability, to provide services or assistance with communication, mobility, personal care, medical needs or with access to goods, services, programs and opportunities.
RESIDENT AND VISITOR FEEDBACK AND COMPLAINTS
POLICY

Policy Statement: The City of Hamilton will establish an accessible two-way process for receiving and responding to feedback and complaints about the manner in which goods, services, programs and opportunities are provided to persons who have disabilities. The process will be made known to the public, including what happens to complaints or feedback when they are received.

Guiding Principles: All persons who receive goods and services and access programs in the City of Hamilton, shall have the opportunity to provide feedback on what is being done well by the City, what can be improved and an avenue for complaints.

Purpose: To provide a genuine opportunity through accessible means for persons who have disabilities to give feedback and make complaints regarding the provision of goods, services, programs and opportunities provided by the City of Hamilton.

Goals: To assess and continually improve goods and services provided to persons who have disabilities.
TRAINING POLICY

Policy Statement: The City of Hamilton will ensure that the Mayor, Councillors and all staff, individuals who develop policies and procedures, volunteers and agents acting on behalf of the City, are appropriately trained, knowledgeable and skilled in providing goods, service, programs and opportunities to persons with disabilities. Training will be provided in an ongoing manner as long as there are changes to policies, procedures and practices governing the provision of goods, services and opportunities to persons with disabilities.

Guiding Principles: The training will embrace the core principles of ongoing respect for human dignity, independence, integration and equity of opportunity, while recognizing that persons who have disabilities are “People First”.

Purpose: To ensure that the Mayor and Councillors, all staff, individuals who develop policies and procedures, volunteers and third parties acting on behalf of the City are appropriately trained, knowledgeable and skilled in providing goods, services and opportunities to persons with disabilities pursuant to the Customer Service Standard.

Goals: To provide accessibility and inclusion training that will facilitate efficient, effective and respectful provision of services, programs and opportunities to all persons with disabilities.
APPENDIX

KEY DEFINITIONS

The Accessibility for Ontarians with Disabilities Act, (AODA) 2005 defines a disability as:

a) 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.

b) A condition of mental impairment or a developmental disability.

c) A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.

d) A mental disorder.

e) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)

In addition, the AODA defines a barrier as:

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, an information...
or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice; (“obstacle”).

Making an organization accessible requires you to have regard for visible and invisible barriers to participation. Some of these barriers are:

**Architectural or structural** barriers may result from the design of a building such as stairs, doorways, the width of hallways and even room layout.

**Information and communications** barriers can make it difficult for people to receive or convey information. Things like small print size, low colour contrast between text and background, confusing design of printed materials and the use of language that is not clear or plain, can all cause difficulty.

**Technology** or lack of it, can prevent people from accessing information. Everyday tools like computers, telephones and other aids can all present barriers.

**Systemic** barriers can occur through policies and procedures. These are any practices or rules that restrict people with disabilities – for example, denying access to a person with a service animal.

**Attitude** is perhaps the most difficult barrier to overcome. Some people don’t know how to communicate with those who have visible or non-visible disabilities or they simply discriminate against them because of stereotypes and myths and misconceptions that perpetuate. Some people may feel that they could offend the individual with a disability by offering help or they ignore or avoid people with disabilities altogether.