MUNICIPALITY OF NORTHERN
BRUCE PENINSULA COUNCIL

SUBJECT: Updating Integrated Accessibility Standards Regulation (IASR) Policies and Procedures to include Design of Open Spaces

FROM: Cathy Addison, Deputy Clerk – Accessibility Coordinator

DATE: May 13, 2013

RECOMMENDATION:

THAT Council receives Deputy Clerk Report DC 13-06 as information as it relates to the additional policies and procedures for Integrated Accessibility Standards pertaining to the Design of Open Spaces; and

THAT Council, pending discussions and comments from today’s review, recommends that the By-law No. 2013-40, as presented, be passed at the May 13, 2013 Council meeting.

BACKGROUND:

The Integrated Accessibility Standards Regulation (Ontario Regulation 191/11) became law in July, 2011 and was amended in December 2012 through Ontario Regulation 413/12. This regulation includes accessibility standards for Information and Communications, Employment, Transportation and the Design of Public Spaces.

In accordance with Section three (3) of the of the Integrated Accessibility Standards (Ontario Regulation 191/11), the Municipality of Northern Bruce Peninsula is required to develop, implement and maintain policies and procedures governing how the Municipality achieves or will achieve accessibility through meeting the requirements of the regulation.

COMMENTS:

The existing policies and procedures for Integrated Accessibility Standards Regulation that was adopted July 23, 2011, must be updated to encompass the Design of Public Spaces Standard.
ATTACHMENT:


MUNICIPAL STRATEGIC COMMITMENT:

By evaluating strategic objectives, it can be assured that the actions taken by the Municipality create value across all strategic priorities identified in the Strategic Plan. In doing so, the Municipality moves closer to its vision of providing a safe, progressive municipality that is committed to managing growth and providing a welcoming, diverse and environmentally sustainable community that enhances the quality of life for all residents and visitors.

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<thead>
<tr>
<th>Strategic Priority</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Well managed and fiscally responsible municipal government is enhanced</td>
<td>☒</td>
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<tr>
<td>Conservation and protection of unique natural environment including the encouragement of well managed growth is enhanced</td>
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<td>Health, safety and education of the community are enhanced.</td>
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<td>Development/promotion of cultural and recreational opportunities is enhanced.</td>
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<td>Citizen involvement is enhanced.</td>
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<tr>
<td>Economic development strategies are enhanced.</td>
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<tr>
<td>Does the option(s) recommended create value across all strategic priorities?</td>
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<tr>
<td>Does the option(s) recommended make Northern Bruce Peninsula a municipality of choice for high performance public servants?</td>
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BUDGET IMPLICATIONS:

Depending on a particular project, the budget implications may vary from each proposed project in order to accommodate IASR requirements.

Respectfully submitted:  
Cathy Addison, Deputy Clerk

Approved by:  
Bill Jones, Chief Administrative Officer
THE CORPORATION OF THE MUNICIPALITY
OF NORTHERN BRUCE PENINSULA

BY-LAW NO. 2013-40

BEING A BY-LAW TO ESTABLISH POLICIES AND PROCEDURES FOR
INTEGRATED ACCESSIBILITY STANDARDS REGULATIONS FOR THE
MUNICIPALITY OF NORTHERN BRUCE PENINSULA

WHEREAS, the Integrated Accessibility Standards Regulations, in the areas of Employment, Information and Communications, Transportation, and Design of Public Spaces in accordance with Ontario Regulations 191/11 and 413/12, permit the Council of a municipality to enact a by-law to establish policy and procedure for Integrated Accessibility Standards Regulations;

AND WHEREAS, the Municipality of Northern Bruce Peninsula deems it desirable to establish policies and procedures relating to Integrated Accessibility Standards Regulations;

AND WHEREAS, pursuant to Section 9 of The Municipal Act, 2001, S. O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

NOW THEREFORE the Council of the Corporation of the Municipality of Northern Bruce Peninsula enacts as follows:

1. THAT policies and procedures for Integrated Accessibility Standards Regulations be included on Schedule A attached to this by-law.

2. THAT By-law No. 2012-48 and any other by-law(s) inconsistent with this by-law are hereby repealed.

3. THAT this by-law shall come into full force and effect upon third and final reading thereof.

READ A FIRST AND SECOND TIME THIS 13TH DAY OF MAY, 2013.

READ A THIRD TIME, FINALLY PASSED, SIGNED AND SEALED THIS 13TH DAY OF MAY, 2013.

__________________________  ____________________________
MAYOR – Milt McIver         CLERK – Mary Lynn Standen
Schedule A to By-law No. 2013-40
Integrated Accessibility Standards Regulations

1. Purpose

Under the Accessibility for Ontarians with Disabilities Act, 2005 all public and private sector organizations must meet the requirements of accessibility standards established by regulation. This policy establishes the Integrated Accessibility Standards Regulations in the areas of Employment, Information and Communications, Transportation, and Design of Open Spaces for the Municipality of Northern Bruce Peninsula (NBP) in accordance with Ontario Regulations 191/11 and 413/12, 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". Regulation 191/11 came into force on July 1, 2011 whereas Regulation 413/12 was effective January 1, 2013.

2. Scope and Responsibilities

This policy has been drafted in accordance with the Regulations and addresses how NBP achieves accessibility through meeting the Regulation’s requirements. It provides the overall strategic direction that we will follow to provide accessibility supports to Ontarians with disabilities. The requirements of the Regulation include:

- 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.
- incorporation of accessibility criteria and features when procuring or acquiring goods, services, or facilities.
- training.
- other specific requirements under the Employment, Information and Communications, Transportation and Design of Public Spaces Standards.

3. Policy Statement and Organizational Commitment

NBP is committed and guided by the four core principles of dignity, independence, integration and equal opportunity and supports the full inclusion of persons as set out in Canadian Charter of Rights and Freedoms and the Accessibility for Ontarians with Disabilities Act, 2005.

NBP 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.

4. Definitions

“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; (“format accessible”).

“Accommodation” means the special arrangement made or assistance provided so that persons with disabilities can participate in the experiences available to persons without disabilities. Accommodation will vary depending on the person’s unique needs.

“Beach Access Routes” means routes that are constructed and are intended for pedestrian use by the public and that provide access from off-street parking facilities, recreational trails, exterior paths of travel and amenities to an area of a beach that is intended for recreational use by the public.

“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.

“Communications” means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received.

“Conversion Ready” means an electronic or digital format that facilitates conversion into an accessible format.
“Designated Public Sector Organization” means every municipality and every person or organization listed in Column 1 of Table 1 of Ontario Regulation 146/10 (Public Bodies and Commission Public Bodies — Definitions) made under the Public Service of Ontario Act, 2006.

“IAP” means Individualized Accommodation Plan.

“Information” includes data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning.

“Internet Website” means a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public.

“Maintenance” means activities that are intended to keep existing public spaces and elements in existing public spaces in good working order or to restore the spaces or elements to their original condition, examples of which include painting and minor repairs.

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

“Mobility Assistive Device” means a cane, walker, wheelchair, scooter or similar aid.

“New Internet Website” means either a website with a new domain name or a website with an existing domain name undergoing a significant refresh.

“Recreational Trails” means public pedestrian trails that are intended for recreational and leisure purposes.

“Redeployment” means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff when a particular job or department has been eliminated.

“Unconvertible” means

(a) not technically feasible to convert the information or communications;

(b) that technology to convert the information or communications is not readily available.

“Web Content Accessibility Guidelines” means the world wide web consortium recommendation, dated December 2008, entitled “Web Content Accessibility Guidelines (WCAG) 2.0”.

5. General Provisions

(i) Multi-Year Accessibility Plan

NBP Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. NBP will report annually on the progress and implementation of the plan, will 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 (5) years.

(ii) Procuring or Acquiring Goods, Services or Facilities

NBP will use accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practical to do so (in which case, if requested, we will provide an explanation).

(iii) Training

NBP 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 on 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. We shall maintain a record of the dates when training is provided and the number of individuals to whom it was provided.

6. Information and Communications Standard

NBP will create, provide and receive information and communications in ways that are accessible to people with disabilities.
If NBP 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, we 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.

7. Emergency Information

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

8. Feedback

NBP has processes 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. We will notify the public about the availability of accessible formats and communication supports.

9. Accessible Formats and Communication Supports

NBP 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 person's accessibility needs due to a 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 suitability of an accessible format or communication support.
d) notify the public about the availability of accessible formats and communication supports.

10. Website Accessibility

NBP 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.

11. Employment Standard

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 with respect to employees and does not apply to volunteers and other unpaid individuals.

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

12. Recruitment

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

- during the recruitment process when job applicants are individually selected to participate in an assessment or selection process.
• If a selected applicant requests an accommodation, NBP shall consult with the applicant and provide and/or arrange for the provision of a suitable accommodation that takes into account the applicant’s disability.
• Notify successful applicants of the policies for accommodating employees with disabilities.

13. Employee Notification

NBP shall inform its employees of the 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 a disability:
• As required, to new employees as soon as practicable after they begin their employment;
• Whenever there is a change to existing policies on the provision of job accommodations that take into account an employee’s accessibility needs due to a disability.

14. Accessible Formats

In addition, where an employee with a disability requests it, NBP will consult with the employee to provide and/or arrange for the provision of accessible formats and communication supports for:
• Information that is needed in order to perform the employee’s job.
• Information that is generally available to employees in the workplace.
• Consult with the employee making the request to determine the suitability of an accessible format or communication support.

15. Individual Accommodation Plan

NBP shall have in place a written process for developing a documented individual accommodation plan (IAP) for employees with a disability. The process will include:
• The employee’s participation in the development of the IAP.
• Assessment on an individual basis.
• Identification of accommodations to be provided.
• Timeline(s) for the provision of accommodations.
• NBP may request an evaluation by an outside medical or other expert, at its expense, to assist with determining accommodation and how to achieve accommodation.
• Employee may request the participation of a representative from his/her bargaining agent, where represented, or otherwise, a representative from the workplace not from a bargaining agent.
• Steps to be taken to protect the privacy of the employee’s personal information.
• Frequency with which the IAP will be reviewed and updated and the manner in which it will be done.
• If denied, the reasons for denial are to be provided to the employee.
• A format that takes into account the employee’s disability needs.
• If requested, any information regarding accessible formats and communication supports provided.
• Identification of any other accommodation that is to be provided.

16. Return to Work

NBP 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. This process must be documented and must outline the steps that NBP will take to facilitate the return to work and include an IAP.
17. Performance Management, Career Development and Advancement, and Redeployment

NBP will take into account the accommodation needs and/or IAPs of employees when:

- using performance management processes.
- providing career development and advancement information.
- using redeployment procedures.

18. Workplace Emergency Response Information

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

- if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee's disability.
- if the employee who receives individual workplace emergency response information requires assistance and with the employee's consent, NBP shall provide the workplace emergency information to the person designated by NBP to provide assistance to the employee.
- as soon as practicable after becoming aware of the need for accommodation due to the employee's disability.
- 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.

19. Transportation Standard

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. NBP will:

- ensure taxicabs do not charge a higher fare or additional fee to persons with disabilities.
- ensure taxicabs do not charge a fee for storage of assistive devices.
- ensure taxicabs have appropriate information displayed on the rear bumper and available in an accessible format to passengers.

20. Design of Public Spaces

The Municipality of Northern Bruce Peninsula commits to ensure the Public Spaces Design meet accessibility requirements according to Regulation 413/12.

The Municipality shall incorporate accessibility into Public Spaces that are newly constructed or redeveloped on and after January 1, 2016. We will ensure that we follow the existing requirements stated under the Design of Public Spaces Standards (Accessibility Standards for the Built Environment) for recreational trails and beach access routes, outdoor public use eating areas, outdoor play spaces, exterior paths of travel, accessible parking, and service related elements (counters, waiting areas, etc.). When developing recreational trails the Municipality shall consult with the public and persons with disabilities. The Municipality shall also provide maintenance and restoration of public spaces by ensuring our multi-year accessibility plan includes procedures for preventative and emergency maintenance of accessible elements in public spaces and procedures for dealing with temporary disruptions when accessible elements required under this section are not in working order.

Being a public sector organization, accessibility reports shall be provided every two (2) years.
21. **Regulatory Requirements**

An Administrative Monetary Penalties scheme is being established under the AODA. The scheme will allow a director or 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 and/or the Accessibility Standards. The largest penalty amount that can be issued to an individual or an organization that is not a corporation is $50,000.00.
- establish 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.
- designate 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 lodge a complaint with the Ontario Human Rights Commission.