

# City of Oshawa

## Integrated Accessibility Standards Regulation Policy

### 1. Statement of Organizational Commitment

The Corporation of the City of Oshawa (the “**City**”) is committed to meeting the accessibility needs of persons with disabilities in a timely manner and shall develop, implement and maintain policies as set out under the *Accessibility for Ontarians with Disabilities Act, 2005* (the “**A.O.D.A.**”) and its standards in a manner that addresses integration, independence, dignity and equal opportunity.

### 2. Purpose

The purpose of this policy is to establish and commit to the City’s compliance with requirements of the Ontario Regulation 191/11 “Integrated Accessibility Standards Regulation” (the “**I.A.S.R.**”) enacted under the A.O.D.A. The regulation references requirements for accessibility standards in the areas of information and communication, employment, transportation, design of public spaces and customer service.

### 3. Scope

The requirements set out in this policy and the I.A.S.R. are not a replacement or a substitution for the requirements established under the *Human Rights Code* nor do the standards or policy limit any obligations owed to persons with disabilities under any other legislation.

This policy applies to all City employees and volunteers as well as to other third parties acting on behalf of the City for the provision of goods, services and facilities.

### 4. Definitions

“**Accessible customer service**” means service is provided in a manner that is capable of being easily understood or appreciated, easy to get at, capable of being reached or entered and obtainable.

“**Accessible format**” may include, but is not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

“**Assistive Device**” means any device or mechanism that assists a person with a disability in accessing and benefiting from the services provided. Assistive devices may include, but are not limited to a wheelchair, walker, cane, assistive listening device, visual alarms or assistive software programs.

“**Barrier**” means anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability. This includes a physical, architectural, information or communication, attitudinal or technological barrier, policy or practice.

**“Career development and advancement”** means providing additional responsibilities within an employee’s current position and the movement of an employee from one job to another in an organization that may be higher in pay, provide greater responsibility or be at a higher level in the organization, or any combination of them, and, for both additional responsibilities and employee movement, is usually based on merit or seniority or a combination of them.

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

**“Communication supports”** may include, but is not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

**“Disability”** means:

- 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 impairment, 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; or,
- 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*.

**“Guide dog”** means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations to the Blind Persons’ Rights Act.

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

**“Kiosk”** means an interactive electronic terminal, including a point of sale device, intended for public use that allows users to access one or more services or products or both.

**“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 or similar aid.

**“Performance management”** means activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success.

**“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 within the organization.

**“Service Animal”** means an animal for a person with a disability that can be readily identified as one that is being used by the person for reasons relating to the person’s disability, as a result of visual indicators such as a vest or harness worn by the animal or an animal for which the person provides documentation from one of the regulated health professionals identified in the legislation confirming that the person requires the animal for reasons relating to the disability.

**“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, services or facilities.

**“Taxicab”** means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or a group of persons, one fare or charge only being collected or made for the trip and that is licensed as a taxicab by a municipality.

## **5. Policy Requirements**

### **5.1 General**

#### **5.1.1 Establishment of Accessibility Policies**

The City is committed to compliance with the I.A.S.R.

The City shall develop, implement and maintain policies governing how it achieves or will achieve accessibility through meeting the requirements referred to in the I.A.S.R. and reflect the values set out in the Human Rights Code. Copies of accessibility policies and documents required by this legislation are available on request and will be posted to the City’s website. Alternate accessible formats or with communication supports are available on request and in consultation with the person making the request in a timely manner at a cost that is no more than the regular cost charged to other persons.

Goods, services or facilities will be provided in a manner that respects the dignity and independence of people with disabilities and will be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods, services or facilities.

## **Accessibility Plans**

The City shall establish, implement, maintain and document a multi-year accessibility plan outlining a corporate strategy for identifying, removing and preventing barriers and meeting the requirements set out in the I.A.S.R.

The multi-year plan will be:

- posted on the City's website and be provided in an accessible format, on request, as soon as it is practicable;
- reviewed and updated at least once every five years; and
- established, reviewed and updated in consultation with persons with disabilities and the Oshawa Accessibility Advisory Committee (O.A.A.C.).

The City will:

- prepare an annual status report on the progress of measures taken to implement the multi-year accessibility plan; and
- post the status report on its website and provide the report in an accessible format, upon request, as soon as it is practicable.

### **5.1.2 Procuring or Acquiring Goods, Services or Facilities**

The City shall incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so. If it is not practicable to do so, the City shall provide, on request, an explanation.

### **5.1.3 Self Service Kiosks**

The City shall incorporate accessibility features when designing, procuring or acquiring self service kiosks. Accessibility features may include, but are not limited to:

- Braille and/or tactile buttons and numbers,
- An earphone plug-in for audio commands,
- Large screen displays; and,
- Adequate clearance for a wheelchair or scooter under the kiosk.

### **5.1.4 Training**

The City shall provide training on the requirements of the accessibility standards within the I.A.S.R., and the *Human Rights Code* as it pertains to persons with disabilities, to all persons who are an employee of or volunteer with the corporation.

All persons who participate in developing the City's policies and other persons who provide goods, services or facilities on behalf of the City are required to meet these same obligations as part of the City's procurement process.

The training information shall be provided to employees, volunteers and other persons as soon as practicable. Training with respect to changes to policies

related to the I.A.S.R. and the *Human Rights Code* will be provided on an ongoing basis.

The City shall keep a record of the training provided under this section, including dates on which the training is provided and the number of individuals to whom it is provided.

## **5.2 Information and Communication**

### **5.2.1 Feedback**

#### **Receiving Feedback**

The City shall ensure its process for receiving and addressing feedback is accessible for persons with disabilities by providing, or arranging for, the provision of accessible formats or communication supports on request.

City of Oshawa customers may submit feedback through a variety of methods including:

- telephone: 905-436-3311 or 1-800-667-4292
- in person at most City facilities
- fax: 905-436-5642
- email: [service@oshawa.ca](mailto:service@oshawa.ca)
- website: [www.oshawa.ca](http://www.oshawa.ca)
- mail: Service Oshawa, 50 Centre Street South Oshawa, ON L1H 3Z7

Staff working in City facilities (other than Service Oshawa) are requested to access the feedback form at [www.oshawa.ca /service](http://www.oshawa.ca/service) and submit the feedback on behalf of the customer. Alternatively, the form may be printed and provided to the customer for manual completion. Manually completed forms should be date stamped and forwarded to Service Oshawa via inter-office mail.

Staff working outside of City facilities (i.e. Parks or Forestry) or those unable to access the internet for the form are to direct customers to the nearest reception counter or provide Service Oshawa contact information.

If feedback is received directly by Service Oshawa staff, all pertinent information is collected and a case is created in the Customer Relationship Management (C.R.M.) software.

#### **Responding to Feedback**

When feedback is received in the mail or via feedback forms, Service Oshawa staff are to create a case in the C.R.M. software. The Customer Service Coordinator or Manager will respond to the customer directly or refer the complaint to the Director, Supervisor or Manager in the appropriate Branch. Customers will receive an initial response to any complaint within 2 business days which will include anticipated action and timeframe for full response where appropriate.

The Branch Director, Supervisor or Manager will update the case in the C.R.M. software and/or advise Service Oshawa by phone or email of any follow up action which will be recorded in C.R.M. software.

### **Actions to be taken in the event of a Complaint**

City of Oshawa staff will have many tools available to allow them to respond to a complaint. Possible opportunities for resolving issues include:

- apologizing for any City error;
- taking corrective measures to prevent reoccurrence;
- using the complaint or feedback as an opportunity to coach staff;
- considering the complaint for future program enhancements; and,
- providing the customer with alternative service methods.

### **5.2.2 Accessible formats and communication supports**

The City shall notify the public about the availability of accessible formats, communication supports and the feedback process. The City shall, on request and in consultation with a person with a disability, provide, or arrange for the provision of accessible formats and communication supports for a person with disabilities in a timely manner that takes into account their accessibility needs due to disability and at a cost that is no more than the regular cost charged to other persons.

Exceptions apply to the following as outlined in the I.A.S.R.:

- product and product labels
- unconvertible information or communications
- information that the City does not control directly or indirectly through a contractual relationship.

If the City determines that information or communications is unconvertible, the City shall provide the person requesting the information or communications with an explanation as to why the information or communications are unconvertible and provide a summary of the unconvertible information or communications.

### **5.2.3 Emergency Procedure, Plans or Public Safety Information**

The City shall provide its emergency procedures, plans and public safety information that it makes available to the public in an accessible format or with appropriate communication supports as soon as practicable on request.

## **5.2.4 Accessible Websites and Web Content**

The City shall make its internet and intranet websites and web content conform to the Worldwide Web Consortium's Web Content Accessibility Guidelines (W.C.A.G.) 2.0, initially at Level A and increasing to Level AA. All new websites and web content shall conform to Level A and Level AA by January 1, 2021 other than a) success criteria 1.2.4 Captions (live) and b) success criteria 1.2.5 Audio Descriptions (prerecorded).

Except where meeting the requirements is not practicable, this section applies to:

- websites, web content and web based applications that the City controls directly or indirectly through a contractual relationship that allows for modification of the product; and
- to web content published on a website after January 1, 2012.

In determining whether meeting the requirements of this section is not practicable, the City may consider, among other things, the availability of commercial software and/or tools and the significant impact on an implementation timeline that was planned or initiated before January 1, 2012.

## **5.3 Employment Requirements**

The requirements found in this section only apply to employees of the City and do not apply in respect of volunteers and other non-paid individuals.

### **5.3.1 Recruitment, Assessment Selection and Notification**

The City shall notify employees and the public about the availability of accommodations for applicants with disabilities throughout its recruitment processes.

During the recruitment process, the City shall notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to materials or processes to be used.

If a selected applicant requests an accommodation, the City shall consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

The City, when making offers of employment, shall notify the successful applicant of its policies for accommodating employees with disabilities.

### **5.3.2 Informing Employees of Supports**

The City shall inform all employees of its policies and procedures used to support employees with disabilities, including, but not limited to, the provision of job accommodations that take into account an employee's accessibility needs due to disability.

The City shall provide this information to new employees as soon as practicable after they begin their employment. The City shall provide updated information to its employees 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 disability.

### **5.3.3 Accessible Formats and Communication Supports for Employees**

When requested, the City shall consult the employee with a disability when providing, or arranging for the provision of, accessible formats or communication supports for:

- information that is needed in order to perform the employee's job; and
- information that is generally available to employees in the workplace.

The City shall consult with the employee making the request in determining the suitability of an accessible format or communication support.

### **5.3.4 Workplace Emergency Responses Information**

The City shall provide individualized workplace emergency response information to employees who have a disability upon request if the disability is such that the individualized information is necessary.

If an employee who receives individualized workplace response information requires assistance, with the employee's consent, the City shall provide the workplace emergency response information to the person designated by the City to provide assistance to the employee.

The City shall provide the information required under this section as soon as practicable after the City becomes aware of the need to provide assistance to the employee.

The City shall review the individualized emergency response information when:

- the employee moves to a different location in the City;
- the employee's overall accommodation needs or plans are reviewed; and
- the City reviews its general emergency response policies.

### **5.3.5 Individualized Accommodation Plans**

The City shall develop and have in place a written process for the development of individualized accommodation plans for employees with disabilities.

The process for the development of documented individual accommodation plans shall include the following elements:

- the manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan;
- the means by which the employee is assessed on an individual basis;
- the manner in which the City can request an evaluation by an outside medical or other expert, at the City's expense, to assist the City in determining if accommodation can be achieved and, if so, how accommodation can be achieved;
- the manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent, in the development of the accommodation plan;
- the steps taken to protect the privacy of the employee's personal information;
- the frequency with which the individual accommodation plan will be reviewed and updated, and the manner in which it will be done;
- if an individualized accommodation plan is denied, the manner in which the reasons for denial will be provided to the employee; and,
- the means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to disability.

Individual accommodation plans shall:

- if requested, include any information regarding accessible formats and communication supports provided as per the I.A.S.R.;
- if required, include individualized workplace emergency response information as per the I.A.S.R.; and,
- identify any accommodation that is to be provided.

### **5.3.6 Return to Work Process**

The City shall develop, and have in place, a return to work process for employees who have been absent from work due to a disability and require disability related accommodations in order to return to work, and shall document the process.

The return to work process shall:

- outline the steps the City will take to facilitate the return to work of employees absent because their disability required them to be away from work; and,
- use documented individualized accommodation plans, as per the I.A.S.R., as part of the process.

The return to work process referenced in this section does not replace or override any other return to work process created by or under any other statute.

### **5.3.7 Performance Management**

The City shall take into consideration the accessibility needs of employees with disabilities, and all individualized accommodation plans, when developing performance management documents, tools and resources.

### **5.3.8 Career Development and Advancement**

When providing career development and advancement opportunities to its employees, the City shall take into account the accessibility needs of employees with disabilities as well as any individualized accommodation plans when providing career development and advancement to its employees with disabilities.

### **5.3.9 Redeployment**

The City shall take into account the accessibility needs of its employees with disabilities, as well as individualized accommodation plans, when redeploying employees with disabilities.

## **5.4 Transportation**

### **5.4.1 Duties of Municipalities – Accessible Taxicabs**

The City shall consult with the O.A.A.C., the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community. The City shall identify the progress made toward meeting the need for on-demand accessible taxicabs in its accessibility plan.

### **5.4.2 Duties of Municipalities – Taxicabs**

By licensing taxicabs, the City will ensure that owners and operators of taxicabs are prohibited from:

- charging a higher fee to persons with disabilities than the fee charged to persons without disabilities for the same trip; and,
- charging a fee for the storage of mobility aids or mobility assistive devices.

In addition, the City shall ensure that owners and operators of taxicabs:

- place vehicle registration and identification information on the rear bumper of the taxicab, and make available vehicle registration and identification information in an accessible format, to persons with disabilities who are passengers.

## **5.5 Design of Public Spaces**

Except as otherwise specified, the City will ensure that public spaces that are newly constructed or redeveloped meet the general and technical requirements for trails, beach access routes, outdoor public use eating areas, outdoor play spaces, exterior paths of travel, and accessible parking as outlined in the I.A.S.R.

Requirements with respect to service counters, fixed queuing guides and waiting areas also will be met by the City as identified in the I.A.S.R.

Procedures for preventative and emergency maintenance, and temporary disruptions of the accessible elements of public spaces, shall be a part of the City's multi-year accessibility plan.

## **5.6 Accessible Customer Service**

The provision of services to persons with disabilities will be integrated unless an alternative measure is necessary, whether temporarily or on a permanent basis. Persons with disabilities, including those who use or need the use of assistive devices and/or support persons, will be given an opportunity equal to that given to others, to obtain, use or benefit from the goods, services or facilities provided by and on behalf of the City. When communicating with a person with a disability, the City shall do so in a manner that takes into account the person's disability.

### **5.6.1 Use of Service Animals**

An animal is a "service animal" for a person with a disability:

- if the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as a vest or harness worn by the animal; or
- if the person provides documentation from one of the following regulated health professionals:
  - A member of the College of Audiologists and Speech-Language Pathologists of Ontario
  - A member of the College of Chiropractors of Ontario
  - A member of the College of Nurses of Ontario
  - A member of the College of Occupational Therapists of Ontario
  - A member of the College of Optometrists of Ontario
  - A member of the College of Physicians and Surgeons of Ontario
  - A member of the College of Physiotherapists of Ontario
  - A member of the College of Psychologists of Ontario
  - A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario

If a person with a disability is accompanied by a guide dog or other service animal, the City shall permit that person to enter premises open to the public or third parties with the animal and to keep the animal with him or her unless the animal is otherwise excluded by law from the premises; and,

If a person is excluded by law from keeping their guide dog or service animal with them, City staff shall consult with the individual to provide other measures to enable the person to obtain, use or benefit from the goods, services or facilities.

It is not necessary for City staff to request documentation for verification of a guide dog or service animal if it is readily apparent that the animal is used by the person for reasons relating to his or her disability.

In circumstances where it is not apparent that the guide dog or service animal is used by a person for reasons relating to his or her disability, City staff may ask the person to provide documentation from one of the regulated health professionals listed above to confirm that the person requires the animal for reasons relating to his or her disability:

City staff and/or designated representatives are required to ensure that a request for documentation is made in a manner that respects the dignity and independence of the person.

Additional factors to consider include:

- not all disabilities are visible;
- not all service animals wear identifying gear, such as harnesses or tags;
- a person is not to be separated from their guide dog or service animal;
- a guide dog or service animal is not to be touched;
- a guide dog or service animal is not to be fed or deliberately startled; and,
- respect the confidentiality of the person and circumstances related to his/her use of a guide dog or service animal.

Reasonable behaviour is expected from those interacting with service animals. The owners of disruptive or aggressive service animals and those who interact with service animals in a negative way may be asked to leave the premises.

### **5.6.2 Use of Support Persons**

Under this policy:

- when a person with a disability is accompanied by a support person, both persons are permitted to enter the premises together and the person with a disability should not be prevented from having access to the support person while on the premises;
- City staff may require a person with a disability to be accompanied by a support person when on the premises, but only if, after consulting with the person with a disability and considering the available evidence, it is determined that a support person is necessary to protect the health or safety of the person with a disability or the health or safety of others on the premises; and,
- that there is no other reasonable way to protect the health and safety of the person with a disability or of others on the premises.

If the City requires a person with a disability (as noted above) to be accompanied by a support person when on the premises, the City shall waive payment of the amount, if any, payable in respect of the support person's admission or presence on the premises.

If an amount is payable for a person's admission to the premises or in connection with a support person's presence on the premises, the City shall ensure advance notice of applicable fees is provided. A number of methods are

available for posting a notice of fees, including but not limited to, the City's website, publications and signage.

It may be necessary for the support person to provide consent to City policies specific to the service provided and agree to a confidentiality clause when City staff are discussing information concerning the person they are assisting. (Refer to Attachment 1).

### **5.6.3 Notice of Temporary Disruptions**

If there is a temporary disruption in City of Oshawa facilities or services in whole or in part, the City staff member responsible for overseeing the provision of a service and/or facility, or their designate, is responsible for providing public notice in at least one of the following three methods:

- notice physically posted at the site of the disruption;
- notice on the City website; or,
- notice in local media.

Staff are encouraged to consider the potential length and location of the disruption when determining the method(s) and location(s) of notice. Due to the nature of their requirements, people with disabilities often plan transportation and other details related to their visit well in advance of attending a City facility or program.

Signage strategically placed also assists people by offering alternate solutions prior to travelling to their destination (i.e. a sign posted at a cross section in advance of the obstruction allows a person to make an alternate plans rather than travelling to the barrier and then having to go back to their point of origin or making additional road crossings). Examples of a temporary disruption include but are not limited to the following:

- a pool closing
- a section of sidewalk or trail closure
- an elevator malfunction.

Any Notice of Disruption should contain the following information:

- reason for the disruption;
- anticipated duration; and,
- alternative facilities or services.

In order to post a notice of disruption in the City's facilities or services on the City's website, the City staff person responsible for overseeing the service and/or facility, or their designate, shall:

- provide the details noted above to their Branch web representative (see intranet for staff listing);
- in the event that the Branch web representative is not available, information can be provided to a City's webmaster; and,
- the Branch web representative or webmaster will post the notice on the City's

website.

