

Attitudes & Legislation

Accessibility for Ontarians with a Disability



Photo Credit: Tools for Play

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Session Overview

- Inclusive Organizations
- Overview of Relevant Ontario Legislation
- Key Tenets of the AODA (2005)
 - Customer service
 - Transportation
 - Information & communications
 - Employment
 - Built environment

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Inclusive Organizations



- Acknowledges & builds on needs of all community members
- Commits through policies, practices & standards
- Respects and values differences and demonstrates these beliefs in the way it does business day-to-day

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Inclusive Organizations



- Consult persons with disability
- Share authority and decision making
- Builds consensus
- Decision-makers welcome/encourage participation of all community members
- Does not limit individuals by social/attitudinal, policy or physical barriers

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Inclusion Barriers

- Philosophical open door policy, but:
 - Supports needed for full participation are not available
 - Opportunities planned/developed without considering all
 - People with disabilities continue to encounter barriers



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Most Common Barriers

- Attitudinal & Behavioural
- Systemic
- Physical



Photo Credit: Changing Minds, Changing Lives

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Attitudinal & Behavioural Barriers

An aerobics instructor does not want a person who is deaf in her class because she thinks the person's presence will slow the class and slow down the instructor's daughter's participation for children with special needs because she would not enjoy herself at the regular camp.

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Systemic Barriers



The exclusion of certain groups of people through the application of policies and practices that are neither programme, activity or service related nor are required for the safe operation of the programme, activity or service

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Systemic Barriers

Everyone must take a written test to receive instructor certification in Aquatics who is blind requests a written test. She cannot take swimming lessons with her friend because she is told that she would be liable if something happened.

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Physical Barriers

A parent who is hard of hearing is unable to check in with her babysitter because there are no telephones with amplifiers. A person who uses a wheelchair cannot use a public library because the wheelchair is not allowed on the stairs. A person who has a visual impairment cannot read a schedule for free swim because it is in small print.

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Equality and Equity

Equality focuses on creating the same starting line for everyone
 Equity has the goal of providing everyone with the full range of opportunities and benefits – the same finish line!

Bruce Kidd, 1989

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Equality & Equity

Equality
 All members of the community receive a recreation brochure about new programmes at the community centre

Equity
 Mary, who is blind, is called by a volunteer at the centre who offers to read the brochure to her or send a CD

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Equality and Equity

Equality

All children in the community are welcome to attend summer camp

Equity

Attendant care is arranged for a child who has multiple disabilities

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An Inclusion Snapshot



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Legislation



Charter of Rights and Freedoms (1982)



Ontario Human Rights Code (1965/1990)

It is illegal to discriminate based on disability

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Ontario Human Rights Code

Every person has a right to equal treatment without discrimination because of disability with respect to:

1. services, goods and facilities
2. occupancy of accommodation
3. freedom from harassment by landlord
4. contract on equal terms
5. with respect to employment
6. freedom from workplace harassment
7. membership in any union, association or profession

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Over-Arching Legislation



Charter of Rights and Ontario Human Rights Code trump all other laws unless specifically exempted

Disability issues are the most common cause of human rights complaints

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Recreation



Since 1965 in Ontario:

All people have the right to use all facilities or join all programmes

Cannot require separate options for "those people"

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Lepofsky vs TTC

Blind person unable to see when vehicle arrives at desired transit stop

Wants TTC to require all drivers to call out all stops on all vehicles

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Human Rights Complaints




In 1997:

- Person experiencing discrimination had to file the complaint
- Typically takes years to process
- Judgment applies only to the entity named in the complaint

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Systemic Discrimination

← Access during construction. Wheelchairs not permitted.



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Since 2000

- Ontarians with Disabilities Act (2001)
- Accessibility for Ontarians with Disabilities Act (2005)
- Human Rights Code Amendment Act (2006)

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Ontarians with Disabilities Act (ODA 2001)

Applies to provincial governments and related agencies (schools, hospitals, municipalities, etc.)

Requires annual publication of a plan for the removal of barriers to accessibility and report on previous year's work

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Ontarians with Disabilities Act (ODA 2001)



- Limitation is no enforcement
- Some great gains, others no change
- Activities in annual plan may or may not actually be undertaken
- Same plan each year without penalty

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Accessibility for Ontarians with a Disability Act (2005)

Definition of an “accessible” service, product or facility
Standards developed and implemented for accessible Ontario by 2025
Needed because of lack of action/ accountability under existing laws



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Accessibility for Ontarians with a Disability Act (2005)

Cross-sectoral standards developed by stakeholders (50% disability)
Customer service
Transportation
Employment
Information and communications
Built environment

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Human Rights Code Amendment Act (2006)

Created the Ontario Human Rights Tribunal
Maintained individual complaints
BUT
Ontario Human Rights Commission
Mandate to issue rulings without individual complaints

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Lepofsky vs TTC

Blind person unable to know when vehicle arrives at desired transit stop
Order that TTC must announce all stops
TTC complies with the order starting in 2007

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Systemic Discrimination

Blind person unable to know when vehicle arrives at desired transit stop
Order that TTC must announce all stops
2008 draft of transportation accessibility standard gave other transit services until 2020 to announce all stops

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Systemic Discrimination

Accessibility planning required under ODA since 2001 for universities
Renovations in 2008 did not plan for accessibility



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AODA (2005)

- Five sets of standards:
- Customer service
 - Transportation
 - Employment
 - Information and communication
 - Built environment

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Do you comply with the AODA standards?



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Accessibility for Ontarians with a Disability Act (2005)

- Customer service
- Passed into law in 2008
 - Public sector by January 2010
 - Private sector by January 2012
 - Private sector < 20 and > 20 employees



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Customer Service Key Tenets

- Customer service key tenets:
- Establish policies, practices & procedures re: services
 - Permit service animals/support persons
 - Train staff to provide equitable service with dignity & respect



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Customer Service Key Tenets

- Customer service key tenets:
- Feedback process for input on services provided
 - Availability of documents in alternate formats
 - Public notice of service disruptions



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Accessibility for Ontarians with a Disability Act (2005)

- Transportation
- Public comment in 2008
 - Very divided comments/committee
 - Proposed standard to Minister in March 2009



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Transportation Proposed Key Tenets



Fixed route passenger services, on-demand taxis, booked vehicles, school transportation, & others
 Timeframes depend on class
 On-board announcements of stops

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Transportation Proposed Key Tenets



Training for staff and volunteers
 Fare payment/ticket validation equipment
 Allows boarding at alternate location due to temporary barriers
 Display ISA if accessible services available

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Transportation Proposed Key Tenets



Accessible lifts if requested and operator agrees it is safe to do so
 Grab bars & stop-request throughout
 Minimum of 2 spaces for mobility devices
 Adjacent seating for attendants
 Emergency planning for all passengers

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Transportation Proposed Key Tenets

Accessible alternate services OK if same hours and days provided and passenger has been approved
 Requirement for reservations OK
 Same fares for all services

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Accessibility for Ontarians with a Disability Act (2005)

Information and Communication
 Initial public comment late 2008
 Timeframe for completion 2009
 All formats of communication



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Information & Communication Proposed Key Tenets

Private < 20 employees before 2013
 Private > 19 employees before 2012
 Public sector before 2011
 Extra duties for critical services



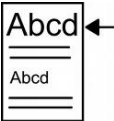
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Information & Communication Proposed Key Tenets



- Inform people of availability of accessible communication
- No additional charge for alternate formats
- Same timeliness, quality & availability
- Accessible emergency & safety info

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Information & Communication Proposed Key Tenets

- Accessibility training for those providing information on behalf of organization
- User request/feedback process
- Policies & procedures as required by accessibility standard

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Accessibility for Ontarians with a Disability Act (2005)


Employment

- Initial public comment 2009 (now)
- Timeframe for completion 2009
- Recruitment, retention
- Different timelines by type/size

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Employment Key Tenets

- Private 1-5 employees
- Private 6-49
- Private 50-99
- Private 100-200
- Private > 200
- Public



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Employment Key Tenets

- Accessible employment policy statement
- Disability awareness training
- Accommodations for recruitment process
- Inform re: essential job requirements, selection criteria
- Recruitment notices to employment agencies supporting those with disabilities

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Employment Key Tenets

- Recruitment, separation & emergency info in accessible formats
- Accommodation procedures described in new employee orientation
- Individual employee accommodation plans
- Performance management & career development consistent with plans
- Track & meet indicators of progress

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Where are you with the key tenets of AODA standards?



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Accessibility for Ontarians with a Disability Act (2005)

Built Environment

Initial public comment NOW
 Timeframe for completion early 2010
 All built elements with a few exceptions (heritage, life safety, transit, some recreation, etc.)



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Built Environment Key Tenets

All new and renovation to comply
 Bring existing to standard (5-10 yrs)
 Lower standard for private residences without home-based business

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Built Environment Key Tenets

Surfaces: firm, stable, slip-resistant, non-glare
 Circulation routes: interior, exterior, trails
 Space: dimensions to include 95th %-ile sizes for assistive devices



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Built Environment Key Tenets

Lighting: Interior, Exterior
 Entrances, doors & doorways
 Overhanging/protruding objects
 Curb ramps & pedestrian crossings
 Ramps, stairs & elevating devices



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Built Environment Key Tenets

Washroom facilities
 Meeting rooms, offices & service counters
 Parking & passenger loading
 Control & operating mechanisms
 Signage, information, wayfinding, displays



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Built Environment Standard

Cost analysis of October 2008 draft
841 clauses
770 (91.6%) have no cost impact
46 (5.5%) have a potential cost impact
25 (3.0%) insufficient information for costing

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46/841 with cost implications

Cost premiums estimated by Hanscomb Ltd. for all OBC categories
Premiums expressed as percent of building construction replacement cost
Cost premium typically 2% or less
Premium up to 4% where replacement of accessible route, doors or washrooms required

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Help – Comments Needed!!!

1. Establish recreation process recommended by SDC
2. Clearly exclude recreation facilities not specified in all clauses (e.g., retrofit 2.3, alternative solutions 2.2, similar occupancies 2.2.4)

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Help – Comments Needed!!!

3. Commit to retrofit implementation
4. Require retrofit of all facilities, not just those in OBC
5. Revise timelines for retrofit to 2025 except for highest priority facilities

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Help – Comments Needed!!!

6. Planning and administrative review only for exceptions
7. Commit to residential housing
8. Same trigger for compliance for interior & exterior (not OBC)

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Help – Comments Needed!!!

Online comments

<http://www.mcass.on.ca/mcass/english/pillars/accessibilityOntario/accesson/business/environment/index.htm>

Public sessions

Toronto, Sudbury & Thunder Bay, Chatham, Burlington, Kitchener, Ottawa, Markham

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Help – Comments Needed!!!

Online comments

<http://www.mcass.on.ca/mcass/english/pillars/accessibilityOntario/accesson/business/environment/index.htm>

Alternate formats & submission via ADO

publicreview@ontario.ca

1-888-482-4317/TTY: 1-888-335-6611

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Help – Comments Needed!!!

Public consultations

Sept. 14/09 – Sept. 30/09

Toronto, Sudbury & Thunder Bay (video)

Chatham, Burlington, Kitchener

Ottawa, Markham

More information

publicreview@ontario.ca

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Avoid Design “Tragedies”



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Expect the Unexpected



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If you can't do it . . . tell people

BEL FOUNTAIN TRAIL					
ONTARIO METROPOLITAN TORONTO					
General Information	Trail Details	Sites Services	Trail Conditions	Trail Location	
measurements	width	grad	Xstep	elevation	
	min.	0.01 m	10.00 %	4.3 % m	NA
	max.	1.25 m	93.00 %	29.5 % m	NA
map reference	[O4DP16 43 48 N 80 01 W]				
environments	Rural				
surfaces	soil, compacted_wood, boardwalk_soil				
trail uses	dog_walking_hiking_snow_shoeing_walking				
prohibited trail uses	not specified				
seasons	Jan - Dec / All year				

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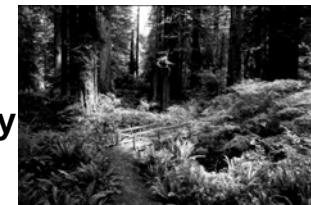
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W.E. Bill Sauer Nature Trail North 0.6 mi.

- Hikers No Bikes
- Grade: Typical 4%
317 ft of the trail is greater than 5%.
- Cross Slope: Typical 1%
217 ft of the trail is greater than 2%.
- Tread Width: Typical 59 in.
Minimum 58 in.
- Surface Type: Aggregate/Gravel
- 3 in. Rocks 1 in. Rocks
- Trail Access:

Trail conditions are subject to change and are not guaranteed. For more information, visit the trail page on the website.

Ensure Your Park or Facility



Provides the Best Experience . . .

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for Everyone !!



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For more information:

Ministry of Community & Social Services
<http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario>

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