

The Corporation of the Town of South Bruce Peninsula

By-Law Number 71-2013

**Being a By-Law to Amend By-Law Number 44-2009
Being a By-Law to Adopt the Manual Governing the
Policies and Procedures for the Corporation of the
Town of South Bruce Peninsula (Integrated
Accessibility Standards)**

Whereas Section 8 of the Municipal Act, 2001, c.25, as amended, provides that the powers of 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;

And whereas Section 11 of the Municipal Act, 2001, c.25, as amended authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;


And whereas Section 270 (1) 5 of the Municipal Act, 2001, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

And whereas the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by adopting a policy regarding Integrated Accessibility Standards Regulations: Policies, Practices and Procedures;


Now therefore the Council of the Corporation of the Town of South Bruce Peninsula enact as follows:

- 1) **That** Policy AD.7.3 Integrated Accessibility Standards Regulations: Policies, Practices and Procedures be adopted as attached hereto and shall form part of the Municipal Policy Manual.
- 2) **That** all by-laws and policies inconsistent with this by-law are hereby repealed and replaced with this by-law.
- 3) **That** this by-law shall come into full force and effect upon the final passing thereof.

Read a First and Second time this 16th day of July, 2013.



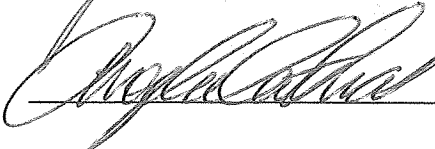
Mayor



Clerk

Read a Third time and Finally Passed this 16th day of July, 2013.


_____ Mayor


_____ Clerk

Section: Administration	Policy Number: AD.7.3
Sub-section: Accessibility Standards	Effective Date: July 16, 2013
Subject: Integrated Accessibility Standards, Policies & Procedures	Revision Date:

Integrated Accessibility Standards; Policies, Practices & Procedures

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 regulations: Regulation 191/11 which came into force on July 1, 2011; and Regulation 413/12 which came into force on January 1, 2013. This policy establishes the Integrated Accessibility Standards Regulations in the areas of: Employment; Information & Communications; Transportation; and Design of Open Spaces for the Town of South Bruce Peninsula (TSBP) in accordance with Ontario Regulations 191/11 and 413/12; and with the Ministry of Community & 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”.

Application:

This policy has been drafted in accordance with the above-noted Regulations and addresses how TSBP achieves accessibility through meeting the Regulations’ requirements. It provides the overall strategic direction that the Town 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.

Policy Statement and Organizational Commitment

TSBP 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*.

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TSBP 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

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.

“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.

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“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; and (b) technically feasible 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”.

Standards and Procedures

1. General Provisions Standard

(i) Multi-Year Accessibility Plan

TSBP Multi-Year Accessibility Plan outlines a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. TSBP 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.

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(ii) Procuring or Acquiring Goods, Services or Facilities

TSBP 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

TSBP 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. The Town shall maintain a record of the dates when training is provided and the number of individuals to whom it was provided.

2. Information and Communications Standard

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

If TSBP 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, the Town 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.

3. Emergency Information Standard

TSBP has prepared emergency procedures, plans and/or public safety information and makes the information available to the public. The Town shall provide this information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

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4. Feedback

TSBP 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. The Town will notify the public about the availability of accessible formats and communication supports.

5. Accessible Formats and Communication Supports

TSBP 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.

6. Website Accessibility Standard

TSBP 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.

7. 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.

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8. Recruitment Standard

TSBP 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, TSBP 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.

9. Employee Notification Standard

TSBP 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:

- for 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.

10. Accessible Formats Standard

In addition, where an employee with a disability requests it, TSBP 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.

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11. Individual Accommodation Plan Standard

TSBP 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.
- TSBP may request an evaluation by an outside medical or other expert, at its expense, to assist with determining accommodation and how to achieve accommodation.
- the 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.

12. Return to Work Standard

TSBP 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 TSBP will take to facilitate the return to work and include an IAP.

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13. Performance Management, Career Development and Advancement, and Redeployment Standard

TSBP 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.

14. Workplace Emergency Response Information Standard

TSBP 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, TSBP shall provide the workplace emergency information to the person designated by TSBP 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.

15. 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. TSBP will:

- ensure taxicabs do not charge a higher fare or additional fee to persons with disabilities.

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- 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.

16. Design of Public Spaces Standards

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

The Town shall incorporate accessibility into Public Spaces that are newly constructed or redeveloped on and after January 1, 2016. The Town 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 Town 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.