



## Policy Manual

**Policy Number: Corporate-034**

**Subject: Accessibility**

### **Policy Statement:**

#### **Purpose / Objective**

The objective of this policy is to ensure the delivery of City services to persons with Disabilities meets the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11 (AODA)* and the regulations thereunder, including the *Integrated Accessibility Standards, O. Reg. 191/11 (IASR)*.

These standards require the City, including volunteers and Third Parties acting on behalf of the City, to establish policies, practices and procedures governing the provision of goods and service to persons with Disabilities.

The standards and procedures described in this policy are not a replacement or a substitution for the requirements established under any law or statute of the Province of Ontario or Canada, as the case may be, including the *AODA*, the *Occupational Health and Safety Act (OHSA)* or the *Ontario Human Rights Code (OHRC)*.

#### **Statement of Commitment**

The City of Brantford is committed to providing equal access to people with Disabilities with respect to the use and benefit of City goods, services and programs. We will listen to the feedback of our constituents and visitors to ensure barriers to our goods and services are reduced or eliminated wherever reasonably possible.

The City's policies, procedures and standards will take into consideration citizens with Disabilities and will ensure, wherever reasonably possible, they have the same ability to obtain, use or benefit from goods and services by providing measures to enable them to do so.

The City of Brantford will implement and maintain policies and make reasonable efforts, as required by law to ensure:

1. That goods and services are provided in a manner that is consistent with the *AODA*, *IASR*, *OHSA* and the *OHRC*.
2. That goods and services are provided in a manner that respects the dignity and independence of persons with Disabilities;
3. The provision of goods, services and facilities to persons with disabilities is integrated with the provision of goods, services and facilities to others, unless an alternative 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; and
4. People with Disabilities are given an opportunity – equal to that given to others – to obtain, use and benefit from the goods and services provided by the City of Brantford.

The City's statement of commitment applies equally to all persons with a disability recognized by law, which at present includes 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, or physical reliance on a Guide Dog or other animal or on a wheelchair or other remedial appliance or device, a condition of mental impairment or a developmental disability, a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language and a mental disorder or an injury or Disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act 1997*. For the purposes of interpreting this policy the list of disabilities set out above is for reference only and is not a conclusive or determinative definition of the term "Disability". The definition of the term "Disability" is set out below and shall have the meaning prescribed to it in the definitions section.

## **Policy Guidelines**

### **1.0 Definitions**

**Accessibility:** a concept integral to human rights that refers to the absence of barriers that prevent individuals and/or groups from fully participating in all social, economic, political and cultural aspects of society. The term is often linked to people with Disabilities and their rights to access and also refers to the design characteristics of products, devices, information, services, facilities or public spaces that enable

independent use, or support where required and access by people with a variety of Disabilities.

**Accessible Formats:** may include, but are not limited to large print, recorded audio, electronic formats, Braille or other formats used by persons with Disabilities.

**Accommodation:** Is a legal concept which describes the process by which the City is required to meet the needs of persons with Disabilities.

**Assistive Device:** a device or product used to assist persons with Disabilities in carrying out activities or in accessing the services, facilities and programs of the City.

**City:** means The Corporation of the City of Brantford.

**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.

**Disability:** Has the same meaning prescribed by the *AODA* and/or the *IASR*.

**Guide Dog:** a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations to the *Blind Persons' Rights Act, R.S.O. 1990 c. B. 7*.

**Service Animal:** an animal is a service animal for a person with a Disability,

- (a) if it is readily apparent that the animal is used by the person for reasons relating to his or her Disability; or
- (b) if the person provides a letter from a regulated health professional, as identified in the *IASR*, that the person requires the animal to access goods, facilities and services provided by the City in the same or similar manner that a person without a disability access City provided goods, facilities and services.

**Service Disruption:** any planned or unplanned unavailability of facilities and/or services operated by the City. This may include, but not limited to closed washroom facilities, inoperable elevators, closed sidewalks and websites that are inoperable.

**Support Person:** a person who accompanies a person with a Disability in order to help with communication, mobility, personal care or medical needs or with access to goods or services.

**Third Party:** any person or entity that provides goods, services or facilities on behalf of the City.

**Undue Hardship:** Has the same meaning prescribed by *OHRC* and the case law decided thereunder.

## **2.0 General Provisions**

### **2.1 Multi-Year Accessibility Plan and Annual Status Updates**

In consultation with members of the Brantford Accessibility Advisory Committee the City of Brantford will regularly draft a multi-year accessibility plan. The plan will span no more than five years and will outline the City's compliance with the *IASR* and its strategy to prevent and remove barriers. The City will also provide annual status update reports which will provide details on the progress made in bettering Accessibility each year. The multi-year accessibility plans and annual status updates will be posted on the City's website and be made available in an Accessible Format upon request.

### **2.2 Procuring or Acquiring Goods, Services and Facilities**

The City of Brantford shall incorporate Accessibility criteria and features when procuring or acquiring goods, services and facilities, except where it is not practicable to do so. In the occasion where it is not practicable to do so, an explanation will be provided upon request.

The City will make reasonable efforts to ensure that any Third Parties that provide goods, services, or facilities to members of the public on behalf of the City have provided appropriate training to their staff as required by the *IASR*.

### **2.3 Training**

The City will ensure that all City employees, volunteers and Third Parties have received training as mandated by the *IASR*. The content of the training will include information on:

- The requirements of the *AODA*, the *IASR* and the *OHRC* as it pertains to persons with Disabilities;
- How to interact and communicate with persons with various types of Disabilities, including those who use an Assistive Device or require the assistance of a Guide Dog/Service Animal or the assistance of a Support Person;
- How to use equipment or devices available on the City's premises or otherwise provided by the City that may help with the provision of goods or services to a person with a Disability;
- What to do if a person with a particular type of Disability is having difficulty accessing the City's goods or services; and
- Instruction on the City's policies, procedures and practices pertaining to the provision of goods, services and facilities to persons with Disabilities.

Training will be provided as soon as practicable upon an individual being assigned the applicable duties. Training updates will be provided as needed, based on changes to legislation, policy or other relevant events.

The training provided shall be appropriate to the duties and level of interaction with the public, of those being trained and be provided as soon as practicable. The City will keep records of training, including number of the individuals trained as well as the date of the training. Information of the training records will be kept for training administration purposes, subject to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

### **3.0 Information and Communication Standards**

#### **3.1 Accessible Communication and Alternative Formats**

The City will make reasonable efforts when communicating with persons with Disabilities, to do so in a timely manner that takes into account each person's individual needs.

The City of Brantford will notify the public about the availability of Accessible Formats and Communication Supports as well as the request process. Upon request the City, in consultation with the requestor, will arrange for Accessible Formats and Communication Supports for persons with Disabilities in a timely manner and at no additional cost.

In the occasion that the City determines that materials are unable to be converted, an explanation shall be provided to the requestor as to why the materials could not be converted along with a summary of the material.

The City is not responsible for the information or communication related to products and product labels or that which the City does not control directly or indirectly through contractual relationship.

#### **3.2 Feedback**

The City of Brantford is committed to providing a high quality of goods, services and facilities to all members of the public it serves. Feedback from the public in this area is welcomed as it may identify elements that require change and encourage improvement.

The City will have processes in place for receiving and responding to feedback that considers Disabilities. Feedback from a member of the public about the delivery of goods, services and facilities to persons with Disabilities may be given by telephone, in person, in writing, in electronic format or through other methods. Accessible Formats and Communication Supports for these processes will be arranged, upon request.

#### **3.3 Emergency Information**

Where the City prepares emergency procedures, plans or public safety information that is available to the public, Accessible Formats and Communication Supports for this information will be arranged, upon request.

### **3.4 Accessible Websites**

The City of Brantford shall make its websites and web content conform to the Web Content Accessibility Guidelines (WCAG) as required by the *IASR*.

## **4.0 Employment Standards**

The City is dedicated to providing equal opportunity employment to all people and will take into account Accommodations for applicants and employees with Disabilities. Any employee or applicant will be notified that Accommodations are available upon request and the City will provide Accommodation to all persons with a Disability that request Accommodation up to the point of undue hardship.

The City shall inform its employees of its policies related to supporting employees with Disabilities. This information shall be provided to new employees as soon as practicable after they begin their employment. Any change to these policies will be communicated to employees.

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

When requested by an employee with a Disability, Accessible Format and/or Communication Supports will be arranged by the City of Brantford in a manner consistent with section 3.1 of this policy.

Requests may be made for:

- Information that is needed in order to perform the employee's job; and
- Information that is generally available to employees in the work place.

### **4.2 Workplace Emergency Response Information**

The City of Brantford shall provide individualized workplace emergency response information to employees who identify potential Accessibility barriers when responding to emergency situations. The information shall be provided as soon as practicable after the employer becomes aware of the need for Accommodation.

If through drafting the workplace emergency response information it is determined the employee requires assistance, the City with the employee's consent, shall provide the information to the person designated by the employer to provide the required assistance.

The City shall review the individualized workplace emergency response information as needed or required by law.

### **4.3 Documented Individual Accommodation Plans**

The City shall develop and have in place a written process for the development of documented individual Accommodation plans for employees with Disabilities, when Disabilities are known and Accommodation is required.

If requested, the plan shall include any information on Accessible Formats and Communication Supports needed, workplace emergency response information and any other Accommodation needed.

### **4.4 Return to Work Process**

The City of Brantford shall have in place a documented return to work process for its employees who have been absent from work due to a Disability and require Disability-related Accommodations in order to return to work.

The City's return to work process shall be in accordance with all requirements of the *AODA*, *IASR* and *OHRC*.

## **5.0 Transportation**

The City will provide transit services that are compliant with the *IASR* as it relates to the operation and features of vehicles, bus stops and shelters.

### **5.1 Bus Stops and Shelters**

The Brantford Accessibility Advisory Committee and the public, including persons with Disabilities will be consulted when design criteria to be considered in the construction, renovation or replacement of bus stops and shelters is necessary.

### **5.2 Taxicabs**

The City shall consult with the Brantford Accessibility Advisory Committee, the public and persons with Disabilities to determine the proportion of on-demand accessible taxicabs required in the community. Progress made toward meeting the need for on-demand accessible taxicabs, including any steps that will be taken to meet the need will be identified in the Brantford accessibility plans.

The City of Brantford will ensure that owners and operators of taxicabs to which the City provides licensing, are prohibited from charging a higher fare or an additional fee for persons with Disabilities than for persons without Disabilities for the same trip; and from charging a fee for the storage of mobility aids or mobility Assistive Devices.

The City will require that vehicle registration and identification information of taxicabs is placed on the rear bumper of the taxicab, and be made available in an accessible manner to passengers with Disabilities.

## **6.0 Built Environment**

The City of Brantford is committed to designing and maintaining public spaces that are free from barriers and that are accessible to all persons wherever reasonably possible.

### **6.1 Accessibility Codes and Requirements**

The *Ontario Building Code*, which has a section on Barrier-Free Design and the *AODA*, *IASR* Design of Public Spaces Standard are standards to which the City will adhere.

### **6.2 Brantford Facility Accessibility Design Guidelines**

The City has drafted and maintains the Brantford accessibility design guidelines (FADS). FADS acts as the mandatory minimum standard of Accessibility for renovations and new builds of property owned, operated, leased or funded by the City of Brantford.

FADS aims to meet or exceed the *Ontario Building Code* Barrier-Free requirements and those of the Design of Public Spaces Standard. As such, the City of Brantford will update FADS periodically to address changing legislation, industry best practices and product development.

### **6.3 Maintenance of Accessible Elements**

The City of Brantford will ensure it monitors the accessible public spaces elements under its control. The City will implement procedures which address, at a minimum, preventative and emergency maintenance of accessible elements as required by the *AODA* and the *IASR* as well as procedures for dealing with temporary disruptions.

In accordance with section 7.2 Notice of Temporary Disruption of Goods, Services, and Facilities of this document, notice of temporary Service Disruptions of accessible elements shall be made available to the public.

### **6.4 Public Consultation**

As required by the Design of Public Spaces Standards of the *IASR* the City will seek public consultation on the development or re-development of public spaces, including but not limited to:

- Recreation trails,
- Outdoor play spaces,
- Rest areas along exterior paths, and
- On-street parking.



## **7.0 Customer Service Standard**

### **7.1 Communications with Persons with Disabilities**

When communicating with a person with a Disability, the City shall do so in a manner that takes into account the person's Disability.

Upon request, the City will arrange for Accessible Formats and Communication Supports in accordance with section 3.1 of this policy.

### **7.2 Notice of Temporary Disruption in Goods, Services and Facilities**

The City will make reasonable efforts to maintain accessible services and features and provide notice to citizens when access is temporarily disrupted. In the event of a Service Disruption notice shall be posted in a conspicuous place on the premises, by posting it on the provider's website ([www.brantford.ca](http://www.brantford.ca)), or by such other method as is reasonable in the circumstances as soon as reasonably possible. When disruptions are planned, reasonable efforts will be made to provide notice prior to the disruption.

Notices of disruption will include information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available.

### **7.3 Assistive Devices**

The City of Brantford welcomes persons with Disabilities to use any personal Assistive Device that may be required to assist in accessing the City's goods, facilities and services. In situations where Assistive Devices cannot be used to access, use or benefit from the City's goods, services or facilities, the City may offer other reasonable measures of providing access.

It is the responsibility of the person with the Disability to ensure that their Assistive Device is operated in a safe and controlled manner or to provide direction on how to do so at all times.

City Staff will be trained on the use of City owned Assistive Devices within their service area.

### **7.4 Service Animals**

The City is committed to welcoming persons with Disabilities who are accompanied by a Guide Dog or other Service Animal as defined in section 1.0 of this policy, into all City owned and operated facilities open to the public, unless Service Animals or Guide Dogs are otherwise prohibited by law. The Service Animal or Guide Dog will be permitted to accompany the person with a Disability in all public areas, except where excluded by

law. If a Service Animal or Guide Dog is excluded by law, staff will respectfully explain why the animal is excluded and determine what alternative means are available, if any, to enable the person with a Disability to obtain, use or benefit from the City's goods, services or facilities.

If it is not readily identifiable that the animal is a Service Animal or Guide Dog, the City may ask the person with a Disability for documentation from a regulated health professional or other professional, as identified in the *IASR*, confirming that the person requires the animal for reasons relating to their Disability.

It is the responsibility of the person with a Disability to ensure that their Service Animal or Guide Dog is kept in control at all times. If the Service Animal or Guide Dog is not kept under control and affects the safety of others it may be determined by staff that the animal be required to leave the premises.

## **7.5 Support Persons**

A person with a Disability may enter premises owned or operated by the City of Brantford with a Support Person and have access to the Support Person while on the premises in accordance with the requirements of the *AODA* and the *IASR*.

A Support Person, when assisting a person with a Disability to obtain, use or benefit from City of Brantford goods, services or facilities will be permitted to attend at no charge where an admission fee is applicable.

The City may require a person with a Disability to be accompanied by a Support Person while on City premises, but only if it is determined after consulting with the person with the Disability and considering all of the available information, 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
- There is no other reasonable way to protect the health or safety of the person with a Disability and the health or safety of others on the premises.

## **7.6 Feedback**

The City is committed to accepting feedback regarding its policies, procedures, and standards in accordance with the requirements of the *AODA* and the *IASR* as described in section 3.2 Feedback, of this document.

## **7.7 Training**

The City is committed to the requirements of training, including those of the Customer Service Standard which have been included in section 2.3 Training, of this document.

## 7.8 Availability of Alternative Formats

The City is committed to the requirements of availability of Alternative Formats which have been included in section 3.1 of this policy.

## 8.0 Accommodations

Accommodation will be offered to all individuals that require Accommodation under the *AODA*, *IASR* or the *OHRC* in accordance with the requirements set out under these Acts. Accommodation will be provided on a case by case basis up to the point of undue hardship and will be tailored to the particular needs of the individuals requesting accommodation.

## 9.0 Interpretation

This policy shall be interpreted in manner that is consistent with the *AODA*, *IASR* and the *OHRC*. In the event there is any conflict between this policy and the *AODA*, *IASR* or the *OHRC* the requirements of the *AODA*, *IASR* and the *OHRC* shall prevail. In the event that this policy does not specifically identify any portion of the *AODA*, *IASR* or the *OHRC* which imposes any duty or obligation on the City, such omission shall not be interpreted or construed as an effort by the City to avoid its duties and obligations, rather the omitted portion of the *AODA*, *IASR* or the *OHRC* shall be read into this policy and the City shall comply with any duty or obligation imposed by legislation.

## Related Policy Procedures/Guidelines

Corporate Policy 012 – Purchasing

HR Policy 002 – Hiring

HR 018 – Recruitment and Selection

HS Standard 053 – Accessibility

HS Standard 064 - Sick Leave and Workplace Accommodation Procedure

Department Specific Procedures

<b>Date of Enactment:</b> February 16, 2010	<b>Related by By-law Number/ Staff Report Number</b> By-law 18-2010 EN2010-030 70-2010 (consolidation) By-law 114-2013 CS2013-115 By-law 20-2021
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	2021-22
<b>Review Date:</b> June 2010 <b>Amendment Dates:</b> November 18, 2013 February 23, 2021	<b>Department Responsible for Review:</b> Corporate Services Commission Human Resources/ Health, Safety & Wellness
<b>Date of Next Review:</b> 2024	<b>Applicable Legislation/  Legislative Authority:</b>