

THE REGIONAL MUNICIPALITY OF YORK

POLICE SERVICES BOARD

Report of the

REGIONAL SOLICITOR

**UPDATE ON ACCESSIBILITY FOR ONTARIANS
WITH DISABILITY ACT 2005**

RECOMMENDATIONS

It is recommended that:

1. The Board develop an action plan to comply with the *Accessibility Standard for Customer Service* (O. Reg 429/07)
2. This Report be forwarded to the York Region Accessibility Advisory Committee for their information.

PURPOSE

The purpose of this report is to provide the Board with information on its obligations arising pursuant to the *Accessibility for Ontarians with Disability Act 2005* and specifically the *Accessibility Standards for Customer Service* (O.Reg. 429/07).

BACKGROUND

The *Accessibilities for Ontarians with Disability Act 2005* (AODA) came into effect on June 13, 2005. The AODA applies to both public and private sector and covers every aspect of life with the exception of activity within private homes. The goal of the AODA is to ensure that all Ontarians with disabilities have full and equal access to goods, services, facilities, accommodation, employment building structures and premises. Full accessibility is to be achieved by January 1, 2025.

Under the AODA, accessibility will be implemented through the development and enforcement of provincially mandated accessibility standards, enacted as regulations. Each standard includes implementation requirements which range from as little as six months to a maximum of 5-year increments.

As the local board of the municipality, the Police Services Board is currently governed by both the AODA and the *Ontarians with Disability Act, 2001* (ODA). The AODA will eventually replace the ODA however, the ODA will remain in effect for several years until it is repealed. In the meantime, the Board and the police service will continue to be subject to both the ODA and the AODA simultaneously.

Unlike the ODA, the AODA establishes a process of reporting, inspection, investigation and compliance. The AODA also provides for the implementation of administrative penalties in the event of non-compliance. Examples of enforcement provisions under the AODA include the following:

1. Organizations will be required to file Accessibility Compliance Reports;
2. Inspectors may be appointed to verify compliance.
3. Provincial Directors may issue orders and/or administrative penalties in the range of \$50,000 to individuals and \$100,000 to corporations per day for each day of non-compliance.

To date, the province has not released details on the compliance reporting requirements nor have the provisions for inspection and investigation been established.

The Regional Municipality of York established its Accessibility Advisory Committee (“AAC”) under the ODA in 2001. The AAC continues to provide advice to York Regional Police on its ODA plans. Under the AODA, the role of the AAC will be expanded to include advice to Regional Council on the municipality’s compliance with the new Accessibilities Standards. Until the ODA is repealed, the AAC will also continue to be responsible for advising Municipalities on their annual Accessibility Plans.

Standard Development Committees Established to Develop AODA Standards

Under the AODA, provincial Standard Development Committees have been established to develop proposed standards that will become regulations under the AODA. Standard development committees were established in 2006 and 2007 to develop standards in the following areas: customer service, transportation, information and communication, built environment and employment.

In January 2008, acting on a promise made by Premier McGuinty during the Provincial election, the Minister of Community and Social Services adjusted the membership of these development committees to ensure that half of the members on each Committee are persons with disabilities.

The Customer Service Standard is the first to be implemented as a regulation. It is discussed in greater length below. Additional regulations are expected to be enacted in late 2008 or 2009:

- The Information and Communications Standard will address the removal of barriers and access to information to meet the goal of ensuring that all

organizations make information and communication fully accessible to customers whether it is provided in print, telephone, electronic format and in person;

- The Built Environment standard will address accessibility to from and within buildings and outdoor spaces, as well as public parks, trails, street scaping, bus stops and multi-residential occupancies, and will likely include standards on aisle and door width, lighting, public address systems, parking, signage etc.
- The Transportation Standard will address all aspects of public transit including taxi and livery services as well as bus and rail.
- The Employment Standard will address the hiring and retention of employees and ensure the removal of barriers found in employment practices, policies and processes.

Customer Service Regulation

The Accessibility Standard for Customer Service (the “Customer Service Regulation”) was released in July 2007 and came into effect on January 1, 2008. Designated public sector organizations, including municipalities, are required to comply with the provisions of the regulation by January 1, 2010.

Although not specifically identified as a designated public sector, police services appear to fall within the scope of “municipality” as defined in the regulation and thereby be required to be in compliance by January 1, 2010.

The purpose of the Customer Service Regulation is to make customer service operations accessible for all persons with disabilities by identifying and removing barriers to customer services in operational practices, policies and procedures, communication and staff training.

Implications of the Customer Service Regulation for York Regional Police and the Police Services Board

Under the Customer Service Regulation, every provider of services must: establish customer service policies, practices and procedures that incorporate the principles of dignity, independence, integration and equality; train all staff who deal with members of the public; provide for the use of guide animals and support persons; provide for notice of disruption of services; and establish an accessible process for customer service feedback.

Implementation of a compliance plan for York Region is being coordinated by the Office of the CAO and the Community and Health Service Department. Staff are currently assessing the requirements of the regulation and will report back to the Accessibility Advisory Committee on implementation plans for compliance with the regulation. While

the regulation is very broad, it appears that in order to fully implement its requirements, broader public sector organizations such as York Regional Police and the Region must do the following:

- Develop and/or amend policies, practices and procedures that are consistent with the core principles of independence, dignity, integration and equality of opportunity to be committed to by all staff.
- Review all training materials to ensure they meet the requirements of the regulation.
- Train Staff including temporary and contract staff, volunteers and any persons involved in developing policies, practices and procedures on the provision of goods and services under the Regulation trained staff including temporary and contract staff volunteers and any persons who interact with the public on policies, practices and procedures as set out under the regulation.
- Ensure that information contained in document format is provided in a format that takes into account disabilities of potential recipients.
- Enable the use of assistive devices by persons with disabilities to obtain user benefit from the providers, goods or services.
- Develop corporate policies addressing the use of service animals and support persons for persons with disabilities.
- Develop a standardized communication strategy that would address the issue of temporary disruptions of service.
- Establish a process for people to provide feedback on the provision of goods and services to people with disabilities as well as a process to respond to any feedback and action taken to a complaint.

The Police Services Board will be required to comply with the Customer Service Regulation in respect of services it provides to the public such as the Board website, telephone and in person service in the Board office, as well as public meetings. York Regional Police will be required to comply with the policy, process and procedure requirements as well as training for all staff that have contact with the public. It is anticipated that Chief LaBarge will provide a subsequent report outlining an implementation plan for York Regional Police at a future meeting.

FINANCIAL IMPLICATIONS

There is no provincial funding to support the implementation of AODA Regulations. The costs of AODA compliance can only be assessed incrementally as the Province releases each standard and compliance timetable. It is anticipated that some costs associated with the Customer Service Regulation will be reflected in the 2009 operating budget.

CONCLUSION

York Region is proven supporter of accessibility for all its residents and is proud of the progress it has made to date to make the Region and all of its services inclusive and accessible. York Regional Police have worked cooperatively with Regional Staff in order to implement the requirement of the ODA and it is anticipated that some degree of coordination may continue under the AODA. However, with the enactment of the first AODA Regulation, the Board should develop and implement an action plan to ensure compliance with these statutory requirements.

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