



**Policy Name: Accessibility Standards Policy**

Administrator: Community Projects Manager, Community Services Group

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Approval Authority: City Council

**1. Purpose and Application**

This policy is intended to provide the overarching framework to guide the review and development of the City of Kingston policies, standards, procedures, by-laws and guidelines to comply with Ontario Regulation 191/11, the Integrated Accessibility Standards Regulation developed under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, C11 (the AODA).

Under the *Accessibility for Ontarians with Disabilities Act, 2005*, all public and private sector organizations must meet the requirements of accessibility standards established by regulation. This policy establishes the Integrated Accessibility Standards in the areas of information and communication, employment, transportation, design of public spaces and customer service for the City of Kingston, in accordance with Ontario Regulation 191/11.

This policy and its related procedures facilitate the identification, removal and prevention of barriers to people with disabilities, to enable better access to municipal goods, services and facilities.

**2. Statement of Commitment**

The City of Kingston is committed and guided by the four core values of Teamwork, Respect, Integrity and Pride, and supports the full inclusion of persons as set out in the *Canadian Charter of Rights and Freedoms*, and the *Accessibility for Ontarians with Disabilities Act, 2005*.

The City of Kingston shall ensure that the City meets the needs of people with disabilities, in a timely manner, through the implementation of this policy.

The City of Kingston will use all reasonable efforts to ensure that its policies, practices and procedures are consistent with the following principles:

1. The goods, services or facilities are provided in a manner that respects the dignity and independence of persons with disabilities.

2. The provision of goods, services or facilities to persons with disabilities are integrated with the provision of goods, services or 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.

3. Persons with disabilities are given an opportunity equal to that given to others to obtain, use and benefit from the goods, services or facilities.

4. When communicating with a person with a disability, the provider shall do so in a manner that takes into account the person's disability.

### 3. Application

This policy and its related procedures apply to the following, unless otherwise stated:

- All City employees, volunteers and any individual or organization that provides goods, services or facilities to the public or other third parties on behalf of the City, in accordance with the legislation.

### 4. 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.

**Assistive Devices** means technical aids, communication devices, or medical aids modified or customized for use in increasing, maintaining or improving the functional ability of a person with a disability and may include, but are not limited to, wheelchairs, walkers, white canes used by people who are blind or who have low vision, note taking devices, portable magnifiers, recording machines, assistive listening devices, personal oxygen tanks and devices for grasping. Assistive Devices may accompany the customer or already be on the premises, and are used to assist persons with disabilities in carrying out activities or in accessing the services provided by the City of Kingston.

**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 needs.

**City** is The Corporation of the City of Kingston, excluding boards and commissions.

**Communications** is 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 are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

**Disability** is defined by the Ontario Human Rights Code and the AODA as:

- i) 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, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service animal, a wheelchair or other remedial appliance or device:

- ii) A condition of mental impairment or a developmental disability;
- iii) A learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- iv) A mental disorder; or
- v) An injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

**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.

**Service Animal** means an animal is a service animal for a person with a disability if:

- (a) 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 the vest or harness worn by the animal; or
- (b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:

- (i) A member of the College of Audiologists and Speech-Language Pathologists of Ontario.
- (ii) A member of the College of Chiropractors of Ontario.
- (iii) A member of the College of Nurses of Ontario.
- (iv) A member of the College of Occupational Therapists of Ontario.
- (v) A member of the College of Optometrists of Ontario.
- (vi) A member of the College of Physicians and Surgeons of Ontario.
- (vii) A member of the College of Physiotherapists of Ontario.
- (viii) A member of the College of Psychologists of Ontario.
- (ix) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

**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** is a motor vehicle as defined in the Highway Traffic Act, other than a carpool 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 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.

**Web Content Accessibility Guidelines (WCAG)** means the World Wide Web Consortium Recommendation, dated December 2008, entitled "Web Content Accessibility Guidelines (WCAG) 2.0".

## 5. General Provisions

### a) Multi-Year Accessibility Plan

The City of Kingston shall prepare a multi-year Accessibility Plan which will outline a phased-in strategy to prevent and remove barriers and addresses the current and future requirements of the AODA. The City of Kingston will report annually on the progress and implementation of the plan, post the information on the City website and will provide it in accessible formats upon request. The plan will be reviewed and updated at least once every five years.

### b) Procuring or Acquiring Goods, Services or Facilities

When procuring goods, services or facilities, the City shall incorporate accessibility criteria and features, unless it is not feasible (practicable). If not practicable, the City shall provide an explanation, upon request.

### c) Self-Service Kiosk

The City of Kingston shall have regard to accessibility for persons with disabilities when designing, procuring or acquiring self-service kiosks.

### d) Training

The City will ensure that training is provided as required by the Integrated Accessibility Standards. The content of the training will include the requirements of the accessibility standards referred to in Ontario Regulation 191/11 and the *Human Rights Code* as it pertains to persons with disabilities. The training provided shall be appropriate to the duties of those being trained.

Training will be provided as soon as practicable, as well as on an ongoing basis to accommodate staff changes and when changes to this policy occur. The City will keep records of the training, including the date on which training is provided and the number of individuals to who it is provided. The names of individuals trained will be recorded for training administration purposes, subject to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA").

### e) Notice of Availability of Documents

The City will provide notice to the public that this policy and any documents that describe practices and procedures with respect to the Regulations are readily available in an alternative format upon request.

Notice will be posted at a conspicuous place (e.g. the City's external web site).

## 6. Customer Service Standard

### a) Use of Assistive Devices

A person with a disability may provide their own assistive device for the purpose of obtaining, using and benefiting from the City's goods and services. Exceptions may occur in situations where the City has determined that the assistive device may pose a risk to the health and safety of a person with a disability or the health and safety of others on the premises.

The City will offer a person with a disability other reasonable measures to assist them in obtaining, using and benefiting from the City's goods and services, where the City has such other measures available.

It is the responsibility of the person with a disability to ensure that their assistive device is operated in a safe and controlled manner at all times.

The City will also ensure that staff, and all other applicable persons identified in Section 3 of this Policy, know how to use the following assistive devices that are available in many City facilities: elevators, TTY systems, Pocket Talkers and assisted listening devices. Please note that not all buildings contain TTY systems and Pocket Talkers, and the assistive listening devices are located in the City Clerk's Office at City Hall (216 Ontario Street). The Pocket Talkers and assisted listening devices will be made available at other City facilities when a public meeting is scheduled or they are requested by a member of the public.

It is the City's intention to track and monitor the use of municipally-owned assistive devices in order to help improve the provision of services to persons with disabilities.

#### **b) Service Animals**

A person with a disability may enter premises owned or operated by the City accompanied by a service animal, and may keep the animal with them if the public has access to such premises and the animal is not otherwise excluded by law. If the service animal is excluded by law, the City will ensure that alternative means are available to enable the person with a disability to obtain, use or benefit from the City's goods and services.

At times it may be difficult to differentiate between a person with a disability using a service animal and an individual accompanied by a pet. If it is not readily apparent that the animal is a service animal, the City may ask the person to provide documentation from one of the defined regulated health professionals confirming that the person requires the animal for reasons relating to the disability.

It is the responsibility of the person with the disability to ensure that their service animal is kept in control at all times. This will include controlling the behavior of the animal (e.g. barking or growling), cleaning up after the animal (e.g. defecation) and being responsible for any damage the animal may cause to City property.

#### **c) Support Persons**

A person with a disability may enter premises owned or operated by the City with a support person, and is entitled to have access to the support person at all times while on the premises.

Where an admission fee is charged to gain access to an event, facility or service, and the revenue from the fee is payable directly to the City of Kingston, the support person is permitted to attend at no cost.

The City may require a person with a disability to be accompanied by a support person while on City premises, but only if, after consulting with the person with a disability and

considering the available evidence, the City determines the support person is necessary to protect the health and safety of the person with the disability or the health and safety of others 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.

In situations where privacy and consent issues are applicable, a support person may be subject to the same confidentiality requirements as the person with a disability that they are assisting. A support person may be required to sign a waiver with respect to any privacy or confidentiality issues.

In order to accommodate a person with a disability and their support person at an event where attendance is by pre-arranged seating, advanced booking may be required. Admission requirements will be clearly posted on the City's website, and at the entrances and customer service areas of all applicable facilities.

#### **d) Notice of Temporary Disruptions**

The operation of the City's goods, services and facilities is important to the public. However, temporary disruptions in the City's goods, services and facilities may occur due to reasons that may or may not be within the City's control or knowledge.

The City will provide notice of the disruption to the public, including:

- information about the reason for the disruption;
- its anticipated duration; and
- a description of alternative facilities or services, if any, that may be available.

Where the disruption to the service or facility is planned, the City will provide notice in advance of the disruption. However, in the case where the disruption is unplanned, the City will provide notice as soon as possible.

When temporary disruptions occur to the City's goods, services or facilities, the City will provide notice by posting the information in relevant visible locations, on the City's website ([www.cityofkingston.ca](http://www.cityofkingston.ca)), and/or by any other method that is reasonable and applicable under the circumstances. Other methods of notification may include e-mail messages to stakeholders and the use of various forms of local media.

#### **e) Customer Service Training**

In addition to Section 5 d), all City employees, volunteers and any individual or organization that provides goods, services or facilities to the public or other third parties on behalf of the City, shall receive training about the provision of the City's goods, services or facilities, as the case may be, to persons with disabilities.

The content of the training will include:

- a review of the purposes of the AODA;
- the requirements of the *Customer Service Standard (Ontario Regulation 165/16)*;
- instruction on the City's policies, procedures and practices pertaining to the provision of goods and services to persons with disabilities;

- how to interact and communicate with persons with various types of disabilities;
- what to do if a person with a particular type of disability is having difficulty accessing the City's goods or services;
- how to interact with persons with disabilities who use assistive devices or who require the assistance of a support person or service animal; and
- information about the equipment or devices available on the City's premises that may help with the provision of goods or services to persons with disabilities.

## **7. Information and Communication Standard**

### **a) Feedback on City Services**

The City has established a process for receiving and responding to feedback about the manner in which it provides goods, services and facilities to persons with disabilities and will ensure that these processes are provided in accessible formats and with communication supports upon request. The feedback process also solicits feedback on the accessibility of the process itself and any alternate means provided for under that process.

### **b) Accessible Formats and Communication Supports**

Except as otherwise provided by the AODA, the City of Kingston shall, upon request, and in consultation with the person making the request, provide or make arrangements to provide accessible formats and communication supports for persons with disabilities. Accessible formats and communication supports shall be provided in a timely manner, taking into account the person's accessibility needs and at a cost that is no more than the regular cost charged to other persons.

This does not apply to products and product labels, unconvertible information or communications and information that the City does not control directly or indirectly through a contractual relationship. If it is determined that information or communications are unconvertible, the department shall provide the person requesting the information or communication with:

- i) An explanation as to why the information or communication are unconvertible; and
- ii) A summary of the unconvertible information or communications.

### **c) Emergency Information**

When the City of Kingston prepares emergency procedures, plans or public safety information and makes the information available to the public, the information will be available in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

### **d) Accessible Website and Web Content**

The City of Kingston shall make their internet website and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 as required by the Integrated Accessibility Standard.

## **8. Employment Standards**

The City of Kingston is committed to fair and accessible employment practices.

The Employment Standards outline requirements for the accommodation of persons with disabilities during the recruitment process and throughout employment with the City.

### **a) Recruitment**

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

Specifically, 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 the materials or processes to be used;
- If a selected applicant requests an accommodation, the City of Kingston shall consult with the applicant and provide or arrange for the provision of a suitable accommodation that takes into account the applicant's disability; and
- Notify successful applicants of the policies for accommodating employees with disabilities.

### **b) Employee Supports**

The City of Kingston will inform employees of the policies used to support employees with disabilities, including policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

The City will provide this information to new employees as soon as practicable after they begin their employment and provide updated information to all employees whenever there is a change to existing policies.

### **c) Accessible Formats and Communication Supports for Employees**

Upon request by an employee with a disability, the City of Kingston will consult with the employee to provide or arrange for the provision of suitable accessible formats and 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.

### **d) Workplace Emergency Response Information**

The City 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. The City shall provide the information as soon as practicable after becoming aware of the need for accommodation.



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

The City shall 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.

**e) Documented Individual Accommodation Plan**

A written process for the development and maintenance of documented individual accommodation plans shall be developed for employees with disabilities. If requested, these plans shall include information regarding accessible formats and communication supports. If requested, the plans shall include individualized workplace emergency response information.

**f) Return to Work Process**

The City shall have in place a documented return to work process for employees returning to work due to disability and requiring disability-related accommodations. This return to work process shall outline the steps that the City shall take to facilitate the return to work.

**g) Performance Management and Career Development and Redeployment**

The City shall take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans when providing career development, performance management and when considering redeployment.

**9. 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 with strollers.

The City is committed to providing accessible transit services through conventional transit, in accordance with the *Integrated Accessibility Standards* (Ontario Regulation 191/11) under the AODA and, in particular, Part IV, Transportation Standards, of such Regulation. This will be accomplished through the development and implementation of policies, practices, procedures, resources, equipment and training in the provisions outlined in the *Integrated Accessibility Standards Regulation* under the AODA.

The City of Kingston will consult with the Municipal Accessibility Advisory Committee, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community, including the steps to meet the need. The City's Accessibility Plan will include progress made by the municipality to meet the accessible taxi needs of the community.

## 10. Design of Public Spaces Standard

The City of Kingston is committed to designing public spaces that are free from barriers and accessible to all persons we serve. The City will comply with the Design of Public Spaces Standards with respect to public spaces that are newly constructed or redeveloped, including:

- Recreational trails and beach access routes;
- Outdoor public use eating areas;
- Outdoor play spaces;
- Exterior paths of travel;
- Accessible parking; and
- Obtaining services.

## 11. Related Policies, Legislation and By-Laws

Ontarians with Disabilities Act, 2001 (ODA)

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Integrated Accessibility Standards, Ont. Reg. 191/11

Design of Public Spaces Standards, Ont. Reg. 413/12

Customer Service Standard, Ont. Reg. 165/16

Customer Experience Strategy

## 12. Revision Schedule

Date	Revision Details	Section Heading
January 2013	New	Not Applicable
2015-12-15	Accessible Formatting & Additional Definitions & Clarifying Statements	Definitions, Purpose, Design of Public Spaces Standard
2016-10-	Implementation of the Customer Service Standard, Ont. Reg. 165/16	Title, definitions, purpose, customer service standard, training, feedback