



Strategic Initiatives

Subject:

County of Brant – Accessibility Policy

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Policy Statement:

Purpose / Objective

The objective of this Corporate Accessibility Policy (the Policy) is to ensure that the County of Brant (the County) delivers services to persons with Disabilities in a manner that 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 County, including volunteers and Third Parties acting on behalf of the County, 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 County is committed to providing equal access to people with Disabilities with respect to the use and benefit of County 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 County'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 County will implement and maintain policies and make reasonable efforts, as required by law to ensure:

- That goods and services are provided in a manner that is consistent with the AODA, IASR, OHSA and the OHRC.
- That goods and services are provided in a manner that respects the dignity and independence of persons with Disabilities.
- 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.
- 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 County.

The County's statement of commitment applies equally to all persons with a disability recognized by law. The definition of the term "Disability" is set out below and shall have the meaning prescribed to it in the definitions section.

Policy Guidelines

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 County 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 County. County: means The Corporation of the County of Brant.

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, if it is readily apparent that the animal is used by the person for reasons relating to his or her Disability; or 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 County in the same or similar manner that a person without a disability access County provided goods, facilities and services.

Service Disruption: any planned or unplanned unavailability of facilities and/or services operated by the County. 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 County.

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

General Provisions

Multi-Year Accessibility Plan and Status Updates

The County will regularly draft a multi-year accessibility plan. The multi-year accessibility plan will span no more than five years and will outline the County's compliance with the IASR and its strategy to prevent and remove barriers. The multi-

year accessibility plan and any applicable status updates will be posted on the County's website and be made available in an Accessible Format upon request.

Procuring or Acquiring Goods, Services and Facilities

The County 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 County 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 County have provided appropriate training to their staff as required by the IASR.

Training

The County will ensure that all County 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 County's premises or otherwise provided by the County 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 County's goods or services.
- Instruction on the County'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 County 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).

Information and Communication Standards

Accessible Communication and Alternative Formats

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

The County will notify the public about the availability of Accessible Formats and Communication Supports as well as the request process. Upon request the County, 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 County 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 County is not responsible for the information or communication related to products and product labels or that which the County does not control directly or indirectly through contractual relationship.

Feedback

The County 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 County 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.

Emergency Information

Where the County 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.

Accessible Websites

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

Employment Standards

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

The County 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.

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 County in a manner consistent with the Information and Communication Standards section of this Policy.

Requests may be made for:

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

Workplace Emergency Response Information

The County 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 County with the employee's consent, shall provide the information to the person designated by the employer to provide the required assistance.

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

Documented Individual Accommodation Plans

The County 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.

Return to Work Process

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

Transportation

The County will provide transit services that are compliant with the IASR as it relates to Brant Transit, the design of bus stops and shelters, and licensing of vehicles-for-hire, which includes taxicabs and ride-sharing services.

Bus Stops and Shelters

The 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.

Taxicabs

The County shall consult with the 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 Brant accessibility plans.

The County will ensure that owners and operators of taxicabs to which the County 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 County 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.

Built Environment

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

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 County will adhere.

Maintenance of Accessible Elements

The County will ensure it monitors the accessible public spaces elements under its control. The County 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 the Notice of Temporary Disruption of Goods, Services, and Facilities section of this Policy, notice of temporary Service Disruptions of accessible elements shall be made available to the public.

Public Consultation

As required by the Design of Public Spaces Standards of the IASR the County 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
- On-street parking.

Customer Service Standard

Communications with Persons with Disabilities

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

Upon request, the County will arrange for Accessible Formats and Communication Supports.

Notice of Temporary Disruption in Goods, Services and Facilities

The County 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.Brant.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.

Assistive Devices

The County welcomes persons with Disabilities to use any personal Assistive Device that may be required to assist in accessing the County's goods, facilities and services. In situations when Assistive Devices cannot be used to access, use or benefit from the County's goods, services or facilities, the County 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.

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

Service Animals

The County is committed to welcoming persons with Disabilities who are accompanied by a Guide Dog or other Service Animal as defined in the Definitions section of this Policy, into all County 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 County's goods, services or facilities.

If it is not readily identifiable that the animal is a Service Animal or Guide Dog, the County 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. If a service animal defecates onto any County of Brant owned or leased buildings or property it is the responsibility of that person with the service animal to clean up the area where the service animal defecated.

Support Persons

A person with a Disability may enter premises owned or operated by the County 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 County goods, services or facilities will be permitted to attend at no charge where an admission fee is applicable.

The County may require a person with a Disability to be accompanied by a Support Person while on County 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.
- 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.

Feedback

The County 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 the Information and Communication Standards section of this Policy.

Training

The County is committed to the requirements of training, including those of the Customer Service Standard which have been included in the General Provisions section of this Policy.

Availability of Alternative Formats

The County is committed to the requirements of availability of Alternative Formats which have been included in the Information and Communication Standards section of this Policy.

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.

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 County, such omission shall not be interpreted or construed as an effort by the County 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 County shall comply with any duty or obligation imposed by legislation.

References

Legislative and Administrative Authorities

- Accessibility for Ontarians with Disabilities Act (AODA), 2005, S.O. 2005, c.11 (AODA)
- AODA, Integrated Accessibility Standards Regulation, O. Reg. 191/11
- Ontario Building Code, O. Reg. 332/12
- Ontario Human Rights Code, R.S.O. 1990, c.H.19
- Health Protection and Promotion Act, R.R.O. 1990, Reg. 562
- Food Safety and Quality Act, 2001, O. Reg. 31/05
- The Blind Person's Rights Act, R.R.O. 1990, Regulation 58