

Chapter 15 / ECO POLICIES UNDER THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT (AODA)

In 2005, the Government of Ontario passed the *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*. Its goal is to make Ontario accessible by 2025. The ECO is committed to complying with the AODA and all of the standards under it in order to create a barrier-free Ontario.

Part I of O. Reg. 191/11 (the Integrated Accessibility Standards Regulation) under the AODA establishes some general requirements that are applicable to the ECO:

- Develop, implement and maintain accessibility policies and plans
- Provide training on the accessibility requirements
- Incorporate accessibility into procurement practices

The AODA also includes specific “accessibility standards,” which are rules set out in regulation that organizations must follow to identify, remove and prevent barriers so that people with disabilities will have more opportunities to participate in everyday life. There are five sets of accessibility standards:

- The Accessibility Standards for Customer Service (set out in O. Reg. 429/07), which establish requirements to provide goods and services in ways that are accessible to people with disabilities.¹
- The Information and Communication Standards (set out in Part II of O. Reg. 191/11), which establish requirements to ensure information and communications are provided in accessible formats.
- The Employment Standards (set out in Part III of O. Reg. 191/11), which establish accessibility requirements for all stages of employment.
- The Transportation Standards (set out in Part IV of O. Reg. 191/11); *these standards do **not** apply to the ECO.
- The Design of Public Spaces Standards (set out in Part IV.1 of O. Reg. 191/11), which set out accessibility standards for public outdoor and built spaces.

A. GENERAL ECO ACCESSIBILITY POLICIES AND PLANS

The *AODA* requires the ECO to develop and maintain policies, plans, practices and procedures that set out how it will achieve accessibility through meeting its requirements under the *AODA* and its regulations.

In developing the ECO's *AODA* policies and procedures on dealing with members of the public and employees who have disabilities, the ECO endeavors to ensure that the policies are developed and implemented in a manner that is consistent with the principles of independence, dignity and equality.

i. Development of Accessibility Policies and Plans

The ECO has created a senior staff committee to develop and implement policies, practices and procedures to ensure provision of accessible services to people with disabilities.

This chapter of the ECO Policies and Procedures Manual comprises the ECO's **Accessibility Policy**. This policy chapter indicates how both the general requirements of the *AODA* and each of the applicable accessibility standards will be met.

The ECO has also developed a multi-year **Accessibility Plan** that outlines the ECO's strategy to remove existing barriers and to prevent new barriers. A copy of the ECO's most recent Accessibility Plan is posted on the ECO website and/or may be provided to any person upon request.

The ECO will further develop specific policies, practices and procedures as required to support implementation of this policy.

ii. Application of ECO Policies and Procedures

The policies developed by the ECO in compliance with the *AODA* shall apply to every employee and all contractors who deal with the public ("ECO staff").

iii. Annual Status Reports and Review of Accessibility Plan

The ECO will prepare an annual status report on the progress of measures taken to implement the Accessibility Plan. The status report will be posted on the ECO website and/or provided in an accessible format upon request.

The Accessibility Plan will be reviewed/updated at least once every five years in order to determine whether timelines have been met for AODA requirements and to highlight accomplishments during the period.

iv. Review and Changes to ECO Policies or Procedures

No changes will be made to these policies or procedures before considering the impact on people with disabilities. Any policy of the ECO that does not respect and promote the dignity and independence of people with disabilities will be modified or removed.

v. Questions about ECO Policies or Procedures

These policies and procedures have been developed to provide accessible quality services for persons with disabilities. If any member of the public has a question about a policy, or if the purpose of the policy is not understood, an explanation will be provided by contacting the ECO at (416) 325-3377 or 1 (800) 701-6454 or via e-mail at commissioner@eco.on.ca

If any ECO staff member has a question about a policy or procedure, they should direct the request to a senior staff member.

B. EMPLOYEE TRAINING

The ECO will train all staff on the AODA. All new ECO staff will complete training within 30 days after commencing their duties. ECO staff will also be trained on an ongoing basis when changes are made to these policies, practices and procedures.

The ECO's training program will utilize all relevant information and training materials developed by the Legislative Assembly and the Accessibility Directorate of Ontario (ADO).

The ECO will make the OPS Centre for Leadership and Learning's "May I Help You? - Welcoming Customers with Disabilities" e-learning course mandatory for all staff.

Training will include information about achieving accessibility by 2025 and will highlight the requirements of all applicable standards.

The training program will include a tracking process. The ECO will keep a record of all training provided under the AODA including the dates on which the training was completed. If customized training is provided, the ECO will record the participants present and summarize the nature of the training provided.

C. PROCURING OR ACQUIRING GOODS, SERVICES OR FACILITIES

The ECO will incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so.

Factors relevant to practicability may include:

- availability of accessible goods, services or facilities
- technological compatibility between older products and newer ones being procured

Where it is determined that it is not practicable to incorporate accessibility criteria and features into ECO procurement practices, upon request an explanation will be provided.

In combination with ECO Procurement Policy, accessibility features and criteria must be considered and incorporated, wherever possible.

Accessibility features include technical features (e.g., software), and structural features (e.g., physical design, including hardware or product specifications).

In addition to quality, cost and delivery terms, consideration should also be given to accessibility criteria, such as training.

D. ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE

This section sets out the ECO's policies, practices and procedures specifically addressing:

- accessible customer service (the manner in which goods and services are communicated and provided to people with disabilities)
- assistive devices and alternative format documents
- service animals and support persons
- notice of temporary disruptions
- training
- client feedback

i. Accessible Customer Service

The ECO will endeavour to provide accessible customer services to people with disabilities. As described below, we will offer some assistive devices, services, and/or methods as required to enable people with disabilities to access our services.

The ECO will train staff on how to communicate and interact with people with disabilities, and will educate staff who deal with the public to communicate in a manner that can be understood by people with disabilities.

If ECO staff need to communicate by telephone with a customer who is deaf, deafened or hard of hearing, the client can use the Bell Canada Relay Service. The number for the Relay Service is 1 (800) 855-0511. Normally clients will contact the Relay Service and a Bell Operator will redirect their call to the ECO phone numbers. Additional information about the service is available by contacting Bell Canada at 1 (800) 268-9242 or at the following web site:

http://www.bell.ca/specialneeds/PrsSN_SvcRelay.page

ii. Assistive Devices and Services

The ECO will allow people to use their own personal assistive devices to access our goods and service. The ECO will also provide some special assistive services if sufficient advance notice is given.

a. Use of Personal Assistive Devices

Personal assistive devices are often used by people with disabilities to help them with daily living. They are any auxiliary aids such as communication aids, cognition aids, personal mobility aids and/or medical aids. Disabled people usually bring the devices with them.²

In order to ensure that persons with disabilities are allowed to use their own personal assistive devices, ECO staff will be made aware of various assistive devices that may be used by our clients while accessing our goods and services.

Staff may be able to help with certain assistive devices upon request. Staff will always ask before assuming help is needed.

b. Availability of Assistive Devices

The ECO provides some assistive measures on-site (e.g., magnifying glasses) to enable people with disabilities to benefit from the same level of service and in a similar way as other clients while accessing our goods and services. ECO staff will be trained to know where to find the assistive devices available to ECO clients.

c. Advance Notice for Special Assistive Services

The ECO will provide special assistive services such as a sign language interpreter as long as sufficient advance notice is provided. In this case, the amount of advance notice required is at least five (5) business days, either in writing, in person, by e-mail or by telephone.

iii. Accessible Formats and Communication Supports

The ECO is committed to providing accessible information and communications to all of our clients and recognizes that people with disabilities often use methods other than standard print to access information.

The ECO will provide any publicly available correspondence, reports and other documents in an alternative format upon request.

The ECO will provide documents and communication support in a format that takes into account the person's accessibility needs due to disability. The types of alternative formats available from the ECO may include:

- large print or braille translation
- hard copy or e-mail
- audio format such as digital audio

The ECO informs the public about the availability of accessible formats and communication supports in a number of ways. These include:

- notice posted and forms available on our website
- notice posted and forms available in our reception area

The ECO Alternative Format Request Form template can be found at: <T:\Z-ADMIN\ECO FORMS\AODA Forms\AODA Alternate Format.doc>.

When a request is received from a person with a disability for communications support or a document in a different format, discussion regarding what options are available will take place and the selected option(s) will be mutually agreed upon with the requester.

If an ECO staff receives a request for an alternative format, the staff should forward the request to the ECO's Public Information/Outreach Officer and/or appropriate members of ECO senior staff in the unit(s) responsible for creating the original document.

Alternative formats will be provided within a reasonable time frame or the ECO will provide an explanation for the delay if the time frame is longer than twenty (20) business days.

NOTE: Some forms of information (e.g., tables, charts) may be difficult or impossible to convert into an accessible format or the original software/technology may no longer be available.

If the ECO determines it is unable to convert the information or communications into an accessible format, the staff member should explain this and provide a summary of the content in an accessible format.

iv. Service Animals and Support Persons

The ECO will ensure that people with disabilities who are accompanied by service animals and/or support persons are allowed entry to the parts of our premises that are open to the public.

a. Service Animals

Service animals are used by people with many different kinds of disabilities to overcome barriers. Service animals are not pets – they are working animals.³

Consistent with the policies of Building Management and Building Security for 1075 Bay Street in Toronto, the ECO will permit any person with a disability who is accompanied by a guide dog or other service animal to enter our premises (those areas that are open to the public) with the service animal and to keep the animal with him/her.⁴

As a general rule, the ECO requests that a person with a disability who is accompanied by a guide dog or other service animal and wishes to enter our premises provide advance notice to the ECO of at least one (1) business day either by e-mail or by telephone so that Building Management can be notified.

ECO staff will forward information about the advance notice to ECO senior staff who then will notify Building Management.

ECO staff have received training on how to interact with people with disabilities who are accompanied by a service animal.

b. Support Persons

Some people with disabilities rely on support persons in order to help with communication, mobility, personal care, medical needs, or with access to goods or services.

If a person with a disability is accompanied by a support person, the ECO will permit both persons to enter the premise together (those areas open to the public) and ensure that the person with a disability is not prevented from having access to their support person.

v. Notice of Temporary Disruptions

If our services (such as the Resource Centre) become or are expected to become temporarily unavailable, the ECO will make every effort to reduce disruption to people with disabilities who use our services by notifying them and/or arranging alternate meeting/work locations or alternate means of accessing our information.

A notice of temporary disruption will be published on the ECO web site. The notice will also be placed on the door of the public entrance to the ECO premises.

A Notice of Disruption will include the following information:

- type of disruption
- reason for disruption
- anticipated duration of disruption
- description of alternate facilities or services, if any
- contact information

See <T:\Z-ADMIN\ECO FORMS\AODA Forms\AODA Notice of Disruption.doc> for the ECO Notice of Service Disruption template.

If a disruption in service is planned (such as due to scheduled renovations), the ECO will provide the public with reasonable notice. In this case, reasonable notice is defined as at least ten (10) business days in advance, or as soon as possible if less than ten business days.

If a disruption in service arises unexpectedly, the ECO will provide the public with notice as soon as possible.

vi. Client Feedback on ECO's Service Accessibility

The ECO recognizes that receiving feedback on how well we are meeting the goals of the *AODA* provides a valuable opportunity to learn and improve. The ECO also recognizes the rights of the public to offer a suggestion, make a complaint, or compliment us on the way we provide goods or services.

The ECO has established a process for inviting, receiving and responding to *AODA* feedback.

a. Inviting and Receiving Feedback

The ECO will inform the public about our *AODA* feedback process in a number of ways, including:

- notice posted and forms available on our website
- notice posted and forms available in our reception area

In order to make our feedback process as accessible as possible, the ECO will accept complaints, suggestions and/or compliments in a variety of formats. Clients are invited to provide their feedback on the way we provide our goods and services to people with disabilities in the following ways:

- in person
- by telephone
- in writing
- e-mail (commissioner@eco.on.ca)

In order to help the ECO best address the feedback received, the following information should be included:

- time and date
- description of the complaint, suggestion or compliment
- additional comments
- contact information (should the person wished to be contacted)

ECO staff will be trained to access and to assist in the completion of the AODA Client Feedback form, if necessary. The feedback form will be available at the ECO reception desk and online on the ECO website.

Please see <T:\Z-ADMIN\ECO FORMS\AODA Forms\AODA Feedback.doc> for the ECO Client Feedback Form.

b. Responding to Feedback

If the AODA Feedback Form indicates the client wishes to be contacted, the ECO will respond within twenty (20) business days either in writing, in person, by e-mail or by telephone acknowledging the receipt of feedback and outlining the action(s) to be taken.

All feedback received regarding the way in which the ECO provides goods and services to people with disabilities will be directed to the ECO's Co-ordinator, Human Resources/Finance/Administration. Feedback will be grouped, reviewed and stored by category (complaint, suggestion, or compliment). A record will be maintained outlining the details, follow-up and actions to be taken

E. INFORMATION AND COMMUNICATION STANDARD

In accordance with the AODA's Information and Communications Standard, the ECO will create, provide and receive information and communications in ways that are accessible for people with disabilities.

In addition to providing information and documents in accessible formats as discussed above (in Part D), the ECO will also ensure content published on our website meets the Web Content Accessibility Guidelines.

i. Accessible Websites and Web Content

Web Content Accessibility Guidelines (WCAG) is an international standard for making websites and web content accessible to users with disabilities. WCAG 2.0 Level A and Level AA refer to a series of technical checkpoints that make websites and their content increasingly accessible to a broader range of users with disabilities.

Content published on a website after January 1, 2012 must be compliant with Web Content Accessibility Guidelines (WCAG) 2.0.

By January 1, 2016, all websites, including earlier published web content, must conform with WCAG 2.0 Level AA other than:

- success criteria 1.2.4 Captions (Live)
- success criteria 1.2.5 Audio Descriptions (Pre-recorded)

By January 1, 2020, all websites and web content must conform with WCAG 2.0 Level AA.

In 2008, the ECO migrated our public-facing internet site to a new content management system. This project required a significant refresh to bring the web-based content into compliance with the accessibility standards as defined in the *AODA*.

The ECO will continue efforts to make our internet and intranet websites and web content conform with WCAG 2.0, Level AA.

The ECO hires outside contractors for its website design and maintenance. As well as incorporating the *AODA* requirements into the procurement contracts, the Communications and Outreach Co-ordinator will work closely with these vendors to ensure compliance with the requirements of WCAG 2.0, Level AA.

F. EMPLOYMENT STANDARD

The Employment Standard provides accessibility across all stages of the employment life cycle. The ECO will pro-actively remove barriers across the employment life cycle to help create an accessible workplace that allows employees to reach their full potential.

i. Recruitment, Assessment and Selection

The ECO will notify both internal and external job applicants that, where needed, accommodations for disabilities will be provided on request to support their participation in all aspects of the recruitment process.

The ECO will include a statement regarding the availability of recruitment-related accommodations for disabilities in all job postings.

The ECO will provide or arrange suitable accommodations for disability requests during the recruitment process. In providing suitable accommodations the ECO will consult with the applicant with a disability to understand and take into account the individual's needs so that the accommodations that are provided are effective.

When making offers of employment, the ECO will notify the successful applicants of their policies for accommodating employees with disabilities.

ii. Accessible Formats and Communication Supports for Employees

The ECO will inform all staff of the policies used to support employees with disabilities. This information will be provided to new employees as soon as practicable after they begin their employment and updated information will be provided to all employees whenever there is a change to existing policies.

The ECO recognizes the importance of keeping employees up-to-date and aware of these policies as individuals can acquire disabilities at any point in their lives and require employment-related accommodations.

On request, the ECO will consult with employees with disabilities to determine which accessible formats or communications supports they may require.

The ECO will ensure that, upon request, information that is generally available in a workplace, such as company newsletters, bulletins about company policies and fact sheets on health and safety information for workers, is provided in a format that will accommodate the individual needs of the employee.

If an employee has an Individual Accommodation Plan (see below), then the accessible formats and/or communications supports that will be provided to the employee will be included in the plan.

iii. Workplace Emergency Response Information

The ECO will provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary, and when the ECO is made aware of the need for accommodation due to the employee's disability.

The ECO will review the individualized workplace emergency response information on a regular basis.

The ECO will prepare for emergency situations by providing employees with disabilities with individualized workplace emergency response information. This will help employees with disabilities, and the ECO to prepare for a range of potential emergencies including, but not limited to, the following:

- fire
- power outages
- severe weather
- natural disasters
- security incidents

The ECO may be made aware of the need to provide individualized workplace emergency response information in the following ways:

- a new employee may have requested accommodations during the recruitment process or upon being hired
- an existing employee informs the ECO that they have developed a disability (permanent or temporary)

The ECO may initiate a dialogue to offer assistance and accommodation to an employee who is clearly unwell or perceived to have a disability that has not requested accommodation.

The ECO will work to recognize how an individual's disability, as well as the physical nature of the workplace, may create unique challenges in emergency situations.

The ECO will consult with employees who have disabilities, so that the individualized workplace emergency response information meets the employees' needs.

Employees with disabilities may require assistance when evacuating the workplace in emergencies. In these cases, and with the employees consent, the ECO will provide the employees' individualized workplace emergency response information to the designated individual(s).

The ECO will respect their employees' privacy. For co-workers to provide assistance, they will not disclose details of the employees' disabilities or personal medical information.

The ECO will periodically review the individualized workplace emergency response information to make sure it remains effective and up-to-date.

If an employee has an Individual Accommodation Plan (see below), then the individualized workplace emergency response information provided to the employee should be included in the plan.

iv. Documented Individual Accommodation Plans

The ECO is committed to working with employees in order to determine appropriate accommodations.

Individual Accommodation Plans shall, if requested, include information regarding accessible formats and communications supports provided, individualized workplace emergency response information as well as any other accommodation that is to be provided.

The ECO will follow the process set out below for developing documented Individual Accommodation Plans:

- a. When an employee approaches his/her manager with a request for accommodation, the manager will advise both the Co-ordinator - HR/Finance/Administration and the Director of Operations.

- b. The employee will be asked to provide medical documentation to support the request. If the request for accommodation is being made when an employee is returning from sick leave, the required medical documentation may already be on file. (A description of "medical documentation" can be found at the end of this section).
- c. The employee will be invited to discuss their disability and how it has affected their work. The employee will be asked for suggestions on what might be done to reasonably accommodate their disability. The employee's participation is strongly encouraged.
- d. In advance of the meeting, the employee will be advised that they may bring a union representative, or if not unionized, a colleague as a representative.
- e. The ECO will decide if a third party opinion is required to determine if accommodation can be achieved and if so, in what manner. If the medical documentation on file is sufficient, the ECO may determine to proceed without involving a third party.
- f. If the ECO does decide to seek a third party opinion, they will immediately advise the employee and arrange for a suitable and relevant third party to meet with and provide a medical or expert opinion. When the ECO has the results of this evaluation, they will share it with the employee. The cost of the third party opinion will be borne by the ECO.
- g. The ECO will determine whether or not they are able to accommodate, subject to the third party opinion. If the accommodation request is declined, the ECO will provide a response in writing to the employee, providing the reasons for the request being declined.

- h. Prior to the creation of an Individual Accommodation Plan, the accommodation team (comprised of the Director of Operations, the Co-ordinator – HR/Finance/Administration, the employee’s manager, the employee, the employee’s representative and possibly an expert consultant), will discuss:
- the employee’s restrictions and limitations
 - possible methods of accommodation
 - the length of accommodation required
 - any non-medical issues that may have an impact on the success of the accommodation
 - when the individual plan will be reviewed
 - any follow-up meetings, or next steps required

A copy of the Individual Accommodation Plan will then be prepared and provided to the employee and his/her representative.

- i. As soon as reasonably possible, the identified accommodation(s) will be put in place. A follow-up meeting should be scheduled to ensure that the employee’s working situation is achieving the level of accommodation required.
- j. The ECO may require updated medical documentation to support ongoing accommodations, and will advise the employee and their representative as to the timing and requirements, if not already directed in the medical documentation available.

Medical Documentation:

The request for accommodation must be supported by medical documentation. The medical documentation should be from the employee’s attending physician or specialist, who treats them for the disabling condition. The documentation should contain:

- date documentation issued
- last visit date
- nature of condition

- functional abilities
- limitations and restrictions
- duration of time required for accommodation
- doctor's signature

The ECO will keep all information collected to develop Individual Accommodation Plans confidential and private. Information that will be held in strict confidence include the type of disability, the treatment plan and the name and area of practice for the medical provider, except when the employee consents to sharing that information.

The ECO will review Individual Accommodation Plans regularly or when any of the following changes happen:

- an employee changes jobs within the organization
- an employee's needs for accommodation change because of a recurring or sporadic illness
- an employer's policies and practices change

v. Return to Work Process

Employees have a responsibility to attend work during normal scheduled working hours. If employees are unable to attend work due to injury or illness, they are required to notify their manager as well as the Co-ordinator - HR/Finance/Administration and maintain contact throughout the absence.

If the ECO determines an employee requires disability-related accommodation to allow the employee to effectively return to work, the ECO will develop an Individual Accommodation Plan for that employee (see section iv. above).

NOTE: The return to work process referenced in this section does not replace or override any other return to work process created by or under any other statute. If an individual's illness or injury were covered by the return to work provisions of the *Workplace Safety and Insurance Act*, then that Act's return to work process would apply.

Return to work processes will be appropriate for employees who have permanent, recurring or temporary disabilities.

vi. Performance Management

Performance reviews may result in changes to an employee's responsibilities. The ECO will take into account the accessibility needs of employees with disabilities, as well as Individual Accommodation Plans as part of its annual performance review process.

If an employee has a disability, the ECO will revisit the employee's Individual Accommodation Plan to see if any adjustments are required. For example, the ECO may:

- review an employee's Individual Accommodation Plan to understand the employee's accommodation needs and determine whether it needs adjusting to improve his or her performance on the job
- have documents related to performance management, such as performance plans, available in accessible formats, such as large print for individuals with low vision
- provide informal and formal coaching and feedback in a manner that takes into account an employee's disability, such as using plain language for an individual with a learning disability

vii. Career Development and Advancement

The ECO will provide career development and advancement opportunities to their employees, and take into account the Individual Accommodation Plans that are in place for their employees with disabilities.

viii. Redeployment

If the ECO is required to redeploy employees they will consider the accessibility needs of individuals with disabilities and, if required, adjust their supports to fit their new roles.

By considering the accessibility needs of individuals with disabilities when redeploying employees, the ECO will help these employees continue to contribute effectively.

¹ Under the ECO policies and procedures, "disabilities" has the same meaning as the definition of disability found in the Ontario Human Rights Code:

- (a) 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 guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997

² Personal assistive devices may include (but are not limited to):

- Manual and motorized wheelchairs
- Canes, crutches and walkers
- White canes
- Hearing aids
- Magnifiers
- Oxygen tanks
- Electronic communication devices

³ To be considered a service animal under the Customer Service Standard, O. Reg. 429/07, it must be either readily apparent (obvious by its appearance or by what it is doing) that the animal is being used because of a person's disability or the person with a disability must provide a letter from a physician or nurse confirming that it is required because of his or her disability.

⁴ See e-mail to Jo-Anne MacKinnon, ECO from Thu Lam, Property Manager, Canderel Stoneridge Equity Group Inc., November 17, 2009. Canderel "will allow service animals (e.g., seeing-eye dog) in the building if required. If the situation arises, kindly let me know so I can inform our building security."