

Subject: ACCESSIBILITY

Scope: ALL COUNTY AND LIBRARY BOARD EMPLOYEES AND MEMBERS OF COUNTY COUNCIL

Issued: October 27, 2009

Revised: June 11, 2013, November 8, 2016, April 11, 2017

Reviewed: September 13, 2016 – Middlesex County Council

Purpose:

The purpose of this policy is to provide for the overarching framework to guide the review and development of other Middlesex County goods, services, programs and facilities in an inclusive manner that takes into account the needs of people with disabilities.

In addition, this policy will act as the main accessibility policy for Middlesex County and meet the requirements of Ontario Regulation 191/11 – Integrated Accessibility Standards Regulation.

Policy:

Middlesex County is committed to being responsive to the needs of all its residents and employees. In order to meet the needs of people with disabilities the County will:

- Ensure policies, practices and procedures address dignity, independence, integration and provide for equal opportunity for people with disabilities.
- Allow people with disabilities to use their own personal assistive devices to obtain, use or benefit from the services offered by the County.
- Accommodate the accessibility needs of people with disabilities to ensure they can obtain, use or benefit from the County's goods, services, programs and facilities.
- Communicate with people with disabilities in a manner that takes into account the person's disability.

The County will promote accessibility by ensuring that compliance is met for all regulations made under the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005 c. 11.

Procedure:

Definitions

- Disability: as defined by the *Ontario Human Rights Code*, R.S.O. 1990, c. H. 19
- Service Animal:
For the purposes of this policy, an animal is a service animal for a person with a disability if:
 - 1) 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
 - 2) 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

Guide Dog: a guide dog as defined in the *Blind Persons' Right Act*, R.S.O. 1990, c. B.7

For all other definitions, refer to the *Integrated Accessibility Standard Regulation* (O. Reg 191/11). This regulation will be referred to as the "IASR" for the remainder of this policy.

Accessibility Planning

The County will establish, implement, maintain and document a multi-year accessibility plan. The multi-year accessibility plan will outline how the County will prevent and remove barriers to accessibility as outlined in the IASR. The multi-year accessibility plan will be developed with participating lower tier municipalities.

The plan will be posted on the County and lower tier websites, and will be available in an accessible format upon request. The plan will be updated at least once every five years.

The County will establish, review and update its accessibility plans in consultation with people with disabilities and the Accessibility Advisory Committee.

An annual status report will be prepared outlining the progress taken to implement the strategy of the plan. The status report will be posted on the County and lower tier websites.

Procurement

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

Should the County determine that it is not practicable to incorporate accessibility design, criteria and features when purchasing or acquiring goods, services or facilities, it will provide an explanation upon request.

Emergency Procedures, Plans and Public Safety Information

The County will provide emergency procedures, plans and public safety information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

Libraries

The County will provide access to or arrange for the provision of access to accessible materials where they exist. Information about accessible materials can be found on the Middlesex County Library website.

Accessible Formats and Communication Supports/Format of Documents

The County will provide alternate formats of information and communications that are produced by, or in direct control of the County. This does not apply to information that the County does not control directly or indirectly through a contractual relationship.

This will be done upon request, in a timely manner and at a cost that is no more than the cost charged for the original format.

When it is not practicable to provide an alternate format, the County will provide an explanation and a summary of the document in an accessible format.

The County will provide communication supports to members of the public upon request.

If the County is unable to obtain the requested communication support, the County will consult with the individual to determine an appropriate alternative method of communication.

The County will consult with the individual making the request to determine the suitability of an accessible format or communication support.

Feedback

The County will accept feedback from members of the public relating to the provision of accessible goods, services or facilities to people with disabilities. The County will ensure that the feedback process is accessible to people with disabilities by providing, or arranging for the provision of accessible formats and communication supports, upon request.

The County will develop procedures that specify the actions that will be taken if a complaint is received about the manner in which it provides goods, services or facilities to people with disabilities.

Information regarding the feedback process will be posted on the County's website. Individuals can request this information by contacting the County.

In accordance with section 11 of the "IASR" when seeking feedback from the public, the County will provide accessible formats and/or communication supports to members of the public upon request.

Temporary Service Disruptions

If a temporary service disruption is planned the County will give notice of the disruption.

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

Procedures for specific service disruptions will be developed, and a copy of the procedures will be available to individuals upon request.

Notice will be given by posting the information in a conspicuous place as well as by posting the information on the County or Library website.

Support Person

The County will allow people with disabilities to be accompanied by a support person in all County-owned and operated public facilities. The County reserves the right to request a person with a disability to be accompanied by a support person when on the premises, but only if, after consulting with the person with a disability and consider the available evidence, the County determines 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.

Admission fees will be waived for support persons who accompany a person with a disability.

Service Animals

The County will ensure that an individual accompanied by a service animal is permitted to enter the premises with the animal and to keep the animal with the individual, unless the animal is otherwise excluded by law from the premises.

If a service animal is excluded by law from the premises, the County will ensure that other measures are available to ensure a person with a disability is able to obtain, use or benefit from the County's goods, services or facilities.

The individual with the service animal is responsible for the care and control of their service animal at all times, while on County premises.

Use of Assistive Devices

The County will allow people with disabilities to use their own personal assistive devices to obtain services offered by the County.

If a person with a disability is unable to access a service through the use of their own personal assistive device, the County will work with the individual to determine an alternate means for accessing services.

Training

The County will provide training to:

- All people who are an employee of, or a volunteer with the organization
- All people who participate in developing the organizations policies; and
- All other people who provide goods, services or facilities on behalf of the organization

The training will include:

- An overview of the *Ontario Human Rights Code*
- A review of the *Accessibility for Ontarians with Disabilities Act, 2005*
- A review of the *Integrated Accessibility Standards Regulation (O.Reg 191/11)*
- Specific review of "IASR" requirements, based on the duties associated with the employee.
- How to interact and communicate with people with various types of disabilities
- How to interact with people with disabilities who use an assistive device or require the assistance of a guide dog or other 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, services or facilities to a person with a disability.
- What to do if a person with a disability is having difficulty accessing the County's goods, services or facilities.

The training will be appropriate to the duties of the employees, volunteers and other people. Employees will be trained as soon as practicable. Training will be provided to the aforementioned individuals with respect to any policy changes on an ongoing basis. Training logs will be kept in accordance with the "IASR".

Design of Public Spaces

The County will comply with the requirements found in Part IV.1 of the "IASR" where applicable, in relation to public spaces.

Website and Web Content

In accordance with the “IASR”, the County will ensure that websites and web content are created in a manner keeping with the expectations of the Web Content Accessibility Guidelines 2.0 (WCAG). The County is currently creating websites and web content in accordance with WCAG 2.0, level A and will ensure that websites and web content are created in accordance with level AA by January 1, 2021. If an individual is having difficulty accessing any County owned or operated website, or content found on said websites, they can contact the County.

- Websites

The Information Technology Services Department (ITS) will be responsible for ensuring that new websites are created in accordance with WCAG 2.0.

The Information Technology Services Department (ITS), along with the County’s Accessibility Coordinator, will be responsible to ensure that existing websites are maintained in accordance with WCAG 2.0. Existing websites will be scanned quarterly to determine compliance. Existing websites will be updated in accordance with WCAG 2.0 based on a reasonable schedule as defined by the Director of Information Technology Services, and the County’s Accessibility Coordinator.

- Web Content

Accessible web content is being produced in the following ways:

In-house: Staff receive training that ensures PDF documents are created in accordance with WCAG 2.0.

Purchased Documents or Videos: The Department purchasing a document or video that will be available on the County’s website shall ensure that the document or video is created in a manner that ensures compliance with WCAG 2.0.

Third-Party Documents: The County will put forward efforts to ensure that documents provided to the County on behalf of a third party, that will be posted on the County’s website, and not in direct control of the County through a contractual relationship, will be remediated in accordance with WCAG 2.0, unless it is not practicable to do so.

In the event that it is not practicable to remediate a third party document, for which the County is not in direct control through a contractual relationship, a member of the public may contact the County to arrange for the information to be provided in an accessible format, upon request. The County will consult with the requesting individual to determine suitability of format.

Legislative Authority

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11

Integrated Accessibility Standard Regulation (O. Reg 191/11)

Ontario Human Rights Code, R.S.O. 1990, c. H. 19

Procedures Attached:

Accessibility Training Procedure

Accessibility Feedback Procedure

Support Person Procedure

Request for Accessible Formats and Communication Supports Procedure

Service Animals in the Workplace Procedure

Temporary Service Disruption Procedure

Accessibility Training Procedure

HR Policy 5.01 - Accessibility

Purpose and Application:

The purpose of this procedure is to address the training requirements of the Integrated Accessibility Standards Regulation. (O. Reg 191/11)

The County of Middlesex is committed to establishing, implementing and maintaining a program for training on accessibility standards and regulations.

The County shall ensure that the following receive training about the provision of its goods, services or facilities to people with disabilities:

- Elected officials, members of boards and committees, all employees (full time, part time, temporary, students) and volunteers
- Every person who participates in developing the County's policies, procedures and practices governing the provision of goods, services or facilities to members of the public.
- All other people who provide goods, services or facilities on behalf of the organization.

Training shall be provided as soon as practicable after assigned the applicable duties as well as on an ongoing basis as changes occur to County of Middlesex policies, procedures and practices governing the provision of goods, services or facilities to people with disabilities.

Implementation:

The Clerk's Department is responsible for:

- Ensuring training compliance with the Integrated Accessibility Standards Regulation (O. Reg 191/11) and other regulations under the Accessibility for Ontarians with Disabilities Act.
- Coordinating and maintaining training records for compliance reporting and audit purposes.

Departments are responsible for:

- Coordinating and maintaining training records for volunteers.
- Maintaining training records for third parties/contractors.

Accessibility Feedback Procedure

HR Policy 5.01 - Accessibility

Purpose and Application:

The purpose of this procedure is to establish a process to enable members of the public to comment on the goods, services or facilities offered by the County of Middlesex.

Implementation:

The County of Middlesex welcomes public input as feedback helps to identify areas where changes need to be considered and ways in which the County can improve the delivery of goods, services and facilities.

The County is committed to establishing, implementing and maintaining a process for receiving and responding to feedback about how to enhance the provision of goods, services and facilities to people with disabilities.

All staff should be advising those who want to provide feedback related to County goods, services or facilities to fill out a Customer Service Feedback Form.

To Submit Feedback:

If a member of the public wants to provide feedback regarding the goods, services or facilities they have received:

- The member of the public with the concern should have a discussion with the staff member who is involved in the situation where possible.
 - Should discussion not resolve the complaint or the member of the public is uncomfortable discussing the issue with the staff member, the member of the public should fill out a Feedback Form.
- Staff will assist the member of the public with providing feedback, when requested.
- The information to be provided should include the date, a description of feedback, any suggestions by the member of the public on how to resolve if there was an issue and personal contact information if they want to be contacted with a response.
- The form shall be forwarded to the County Clerk who will forward to the appropriate Manager responsible for the Department and the Accessibility Coordinator.
- The Manager will attempt to resolve the complaint in a timely manner, with the assistance of the Accessibility Coordinator, as required.
- If the member of the public has requested a response, the staff should include:
 - An explanation of how the suggestion will be implemented;
 - Whether further investigation is necessary;
 - The reason if the County is unable to resolve the matter or implement the suggestion; and
 - What other steps may be taken to improve the service.

When Requesting Feedback from the Public:

If the County is requesting feedback from the public, it shall ensure that materials associated with the feedback process can be made available in an accessible format or with a communication support, upon request.

Refer to the Accessible Formats and Communication Support Procedure for more information.

Support Person Procedure

HR Policy 5.01 - Accessibility

Purpose:

To ensure a safe and welcoming environment for people with disabilities and their support workers. Staff shall ensure that accessible customer service is provided to all customers in accordance with this procedure and HR Policy 5.01.

To welcome people with disabilities and their support persons in County of Middlesex-owned or operated facilities.

Definition:

Support person:

A support person, 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.

Examples:

A support person may provide transportation, communication, interpretation services or help with daily activities. A support person does not necessarily have to be a paid individual.

Implementation:

- People with disabilities are permitted to be accompanied by their support person in areas/premises that are open to the public, when accessing goods, services or facilities owned or operated by the County of Middlesex.
- Where fees for services are charged, staff shall ensure that the fee is waived for the support person.
- If there is confidential information to be disclosed, consent must be received from the person with the disability.
- The County reserves the right to request a person with a disability be accompanied by a support person when on County owned or operated facilities, but only after consulting with the person and considers the available evidence, the County determines that because of a health and safety risk a person would benefit from attending with a support person. In this situation, employees must:
 - Support the person to the best of their ability while respecting the dignity of the individual; and
 - Contact their supervisor after the support is requested.
 - Supervisors/Managers are to contact the Accessibility Coordinator to discuss how the individual can be supported.

- In the event that the County requires that a support person be present, the following criteria shall be used when consulting the customer:
 - There is a possibility of a significant risk to the health and safety of the customers or others.
 - The risk cannot be eliminated or reduced by other means.
 - The assessment of the risk is based on consideration of the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the imminence of the potential harm.
 - The risk assessment should be based on the individual's actual and apparent characteristics, not on generalizations, misperceptions, ignorance or fears about a disability.

Request for Accessible Format or Communication Support Procedure HR Policy 5.01 - Accessibility

Application

This procedure applies to County employees, volunteers and other persons or organizations that provide goods, services or facilities to the public or other third parties on behalf of the County, in accordance with the Integrated Accessibility Regulation developed under the *Accessibility for Ontarians with Disabilities Act (AODA)*, 2005, and in support of the County of Middlesex's Corporate Accessibility Policy. (HR Policy 5.01)

This procedure applies to all materials and communications products produced or purchased (e.g. consultant reports) by the County for release to the public. It does not apply to products and product labels, unconvertible information, or information that the County does not control directly or indirectly through a contractual relationship.

Each publication should be produced in such a way as to reduce barriers in the original document. Adaptation to another format can be accommodated easily and quickly when accessibility is considered during the development.

Notification

The County will advise the public of the availability of accessible formats and communication supports.

The County will include:

- A link on the County website to the Accessible Formats and Communication Supports Request Form
- The line "Accessible formats and communication supports are available, upon request" is to be placed at the bottom of the front page of:
 - all Council and Committee agendas;
 - all documents for public consultation (such as the Budget Overview or the Official Plan);
 - anywhere else the County determines that notification is reasonable.

Processing Requests

Requests for an accessible format or communication support can be received by staff in person, by phone or by electronic formats such as emails or service requests. Upon receipt of a request, staff will complete the Accessible Formats and Communication Supports Request Form which is forwarded to the Accessibility Coordinator. The request is to be responded to by the

Accessibility Coordinator in consultation with the department from where the request is originating.

All County staff 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.

Once the appropriate format or support is determined with the requestor, staff shall provide or arrange for the provision of the accessible formats and/or communication supports for persons with disabilities.

- If the Accessibility Coordinator determines that information is unconvertible, they shall, in consultation with the department from which the information is originating, provide the person requesting the information or communication with:
 - (a) a written explanation as to why the information or communications are unconvertible; and,
 - (b) a summary of the unconvertible information or communication.

Timeframe

The timeframe for the conversion process of a document into an accessible format, or the provision of a communication support, can vary depending on the media chosen, the size, complexity, quality of source documents and the number of documents to be converted. The information requested shall be provided in a timely manner depending on the factors previously noted.

If the document being requested is the subject of a public consultation or has a set timeframe for public comment, the timeframe for document conversion and distribution must be taken into consideration.

Cost of Conversion

Creating information and communications in accessible formats on websites can help reduce the cost of conversion.

When a member of the public requests a County document in an accessible format or information with a communication support, the department of origin is responsible for the cost of conversion, materials and distribution of information.

Definitions

Accessible Formats – these may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats usable by persons with disabilities.

Common Accessible Formats – some of the most common accessible formats are (but are not limited to):

- HTML or electronic text version online that meet the WCAG 2.0 level A or AA;
- Text saved as an accessible Word document;
- Large text;
- Plain language versions; and,
- Braille.

Communications – the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received.

Communication Supports – these may include, but are not limited to: captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

Common Communication Supports – some of the most common communication supports are (but are not limited to):

- Screen reader software;
- Verbal plain language explanation of a written document;
- Video captioning, transcripts;
- Alternative and augmentative communication supports such as an FM Loop system or Communication Access Realtime Translation (CART); and,
- Sign language interpretation

Electronic Text – an electronic text means of presentation of information that enables various computer programs to convert the information into a "readable" format; electronic text where all illustrations or graphical information is explained fully in text.

Information – includes data, facts and knowledge that exist in any format, including text, audio, digital or images, and that convey meaning. The AODA information and communication standard does not apply to the following:

1. Products and product labels.
2. Unconvertible information or communications.
3. Information that the County does not control directly or indirectly through a contractual relationship.

Unconvertible – it is not technically possible to convert the information or communications, or the technology to convert the information or communications is not available.

American Sign Language (ASL) Interpreters

If you receive a request for an ASL Interpreter, fill out the Request for Accessible Information and Communications Form. You will need to get some information from the resident making the request, including:

- Name
- Best way to contact the individual. (Keep in mind that the individual requesting an interpreter will likely have a communication disability, and may not be able to use a telephone. Suggest email, fax or Bell Relay Service as a way to communicate.)
- Date of meeting
- Location of meeting
- Make note of what type of meeting it is.

*NOTE: An individual may request a specific interpreter. If they do, you are obligated to try to obtain that specific interpreter for the meeting.

Private interpreters are found through the [Ontario Association of Sign Language Interpreters](#). You can search by individual or by geographical location.

The [Canadian Hearing Society](#) also provides real time captioning (CART) services as an alternative to interpreting.

Contact the County's Accessibility Coordinator for a list of local private ASL interpretation service providers.

Service Animal in the Workplace Procedure

HR Policy 5.01 - Accessibility

Purpose:

To provide a safe and healthy work environment for all employees and members of the public with regards to service animals in the workplace. To welcome people with disabilities and their service animals on the parts of our premises open to the public.

Staff shall ensure that accessible customer service is provided to all customers in accordance with this procedure and HR Policy 5.01.

Definition:

Service animal: 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. O. Reg. 165/16, s. 16.

Implementation:

Staff Responsibilities

If a service animal accompanies a person with a disability, staff shall ensure that the person is permitted to keep the animal with him or her.

The person with the service animal shall be welcomed in the areas of County owned or operated premises that are open to the public.

Customer's Responsibility

A customer with a disability who is accompanied by a service animal is responsible for maintaining care and control of the animal at all times.

In the unlikely circumstance that the customer is unable to gain control of their service animal staff shall:

Step One:

Advise the customer about their responsibility to maintain appropriate care and control of the animal at all times. Allow the customer an opportunity to gain control and rectify the situation. In the event that the animal is acting in a manner that causes health and safety concerns (i.e. acting in an aggressive manner), staff may proceed directly to step two.

Step Two:

In the event that the animal is acting in a manner that causes health and safety concerns staff may request the customer to remove the animal from the situation and/or area of concern until such time that care and control is resumed. In such a situation staff shall use reasonable efforts to make sure other measures are available to enable the person with a disability to access goods or services.

General Information

- Service animals are specially trained to assist a person with a disability. They might open doors, pick up items, predict seizures, alert to sounds, etc.
- Service animals may be dogs or other types of animals.
- Service animals are not pets — they are working animals. Do not pet or talk to a service animal.
- Service animals provide a vital service; they are allowed to be with their owner at all times, unless otherwise prohibited by law.
- Service animals in training will be welcome in all County owned facilities, provided they adhere to all County procedures relating to service animals.

Identifying a Service Animal

A service animal can be easily identified through visual indicators, such as when it wears a harness or a vest, or when it helps the person perform certain tasks.

When a service animal cannot be easily identified, staff may ask a person to provide documentation (letter or form) from a regulated health professional that confirms the person needs the service animal for reasons relating to their disability.

Exceptions

If service animals are prohibited by another law, County staff will do the following to ensure people with disabilities can access our goods, services or facilities:

- explain why the animal is excluded
- discuss with the customer another way of providing goods, services or facilities

Exception: Where Food is Prepared, Stored or Sold

The Health Protection and Promotion Act states that animals are not allowed in places where food is manufactured, prepared, processed, handled, served, displayed or stored. It does make an exception for service animals to allow them to go where food is normally served or sold.

Temporary Service Disruption Procedure

HR Policy 5.01 - Accessibility

Purpose:

The purpose of this procedure is to establish guidelines for providing notification of temporary disruptions of service to people with disabilities. These notices may be for either planned or unexpected disruptions of service.

Implementation:

Notices for both unexpected and planned service disruptions will be provided in a variety of formats that will take into account a range of disabilities and will outline:

- The reason for the disruption;
- Its anticipated duration;
- A description of alternative facilities or services, if any are available; and,
- Contact information.

Notices for unexpected service disruptions will be posted as soon as possible, using large, clear print and plain language at the physical entrances to the facility and throughout the facility (if required) and in any other location that the County deems is necessary.

Notices for planned service disruptions will be posted using large, clear print and plain language at the physical entrances to the facility, and throughout the facility where necessary. In addition, planned service disruptions that are intended to last more than 48 hours will be posted on the County's website.