

# **City of Greater Sudbury Corporate Accessibility Policy**

## **1.0 Overview**

The *Accessibility for Ontarians with Disabilities Act* (the “AODA”) was passed by the Ontario government in June of 2005 to remove barriers and make the province accessible for all by 2025.

As part of the AODA, *Ontario Regulation 191/11 the Integrated Accessibility Standards* (the “Standards”), was adopted in June of 2011. The Standards under this Regulation set out specific obligations, timelines and targets for organizations to ensure compliance with accessibility legislation. The Standards are broken down into the following areas:

- Information and Communications;
- Employment;
- Transportation;
- Design of Public Spaces; and
- Customer Service.

The requirements of the AODA and the Standards are not a replacement or a substitution for the requirements established under the Human Rights Code nor do they limit any obligations owed to persons with disabilities under any other legislation.

## **2.0 Policy Statement**

The City of Greater Sudbury (the “City”) is committed to eliminating barriers and improving access for persons with disabilities by providing its citizens with an inclusive accessible community through its passage and adoption of strategies and policies that promote dignity, independence, integration and equal opportunity for all citizens.

The City will continue to work under the legislative frameworks of the AODA, the Ontario Human Rights Code, 1990 and other associated pieces of legislation to ensure that compliance with accessibility standards is achieved.

## **3.0 Purpose**

The purpose of this policy is to provide the overarching framework to guide the review and development of other accessibility policies, standards, procedures, by-laws, guidelines and practices to comply with the Standards developed under the AODA.

## **4.0 Application**

This policy applies to all City employees, volunteers, and to any individual or organization (third party) that provides goods, services, programs or facilities to the public or other third parties on behalf of the City.

## **5.0 Principles**

The City shall develop, implement and maintain policies governing the provision of goods, services, programs and facilities to people with disabilities in a manner that:

- is free from discrimination;
- is available in accessible formats and with communication supports;
- seeks to provide integrated services;
- provides an opportunity equitable to others to obtain, use an benefit from the goods or services; and
- takes into consideration a person's disability.

## **6.0 Accessibility Advisory Panel**

The City's Accessibility Advisory Panel's mandate is to provide advice on the accessibility of municipal programs, services and facilities as required under the *Ontarians with Disabilities Act, 2001*, the AODA and the Standards.

The panel; comprised of eleven (11) members, the majority of whom are people with disabilities, provides insight to municipal staff when requested to do so and will periodically review this policy and other accessibility policies and provide advice with respect to its implementation and continued effectiveness, as well as recommend any changes that may be required from time to time.

## **7.0 Accessibility Plans and Policies**

The City will establish, implement, maintain and document a multi-year accessibility plan, which will outline the City's strategy and plans for the identification, prevention and removal of barriers as per the requirements of the Standards.

The City will establish and implement the multi-year accessibility plan in consultation with persons with disabilities and the Accessibility Advisory Panel.

The Plan will be posted on the City's website, and will be made available in an accessible format and with communication supports, upon request. The plan will be updated at least once every five years.

An annual status report will be prepared outlining the progress of the measures taken to improve accessibility and implement the AODA and the Standards.

The City develops and maintains plans and policies governing how the City will meet its requirements under the AODA and the Standards and provides these in accessible formats upon request.

## **8.0 Definitions**

"Barrier" means anything that prevents a person with a disability from fully participating in all aspects of society because of their disability, including a physical barrier, architectural barrier, information or communications barrier, attitudinal barrier and other supports that facilitate effective communication.

“Disability” means:

- (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 coordination, 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 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.

For all other definitions, refer to the AODA and the Standards.

## **9.0 General Standards**

### **9.1 Procuring or Acquiring Goods, Services or Facilities**

The City will incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so. In the event it is not practicable to do so, an explanation will be provided upon request.

### **9.2 Self-Service Kiosk**

The City shall incorporate accessibility features when designing, procuring or acquiring self-service kiosks.

### **9.3 Training**

The City will ensure that training is provided as required by the Standards. The content of the training will include the requirements of the Standards and the Human Rights Code as it pertains to persons with disabilities.

Training will be provided on the requirements of the accessibility standards to all city employees, volunteers, persons who participate in developing the organization’s policies and all other persons who provide goods, services or facilities on behalf of the City. Training will be ongoing and will be provided if any changes are made to this policy or the Standards. New employees will be trained as soon as is practicable.

The City will keep a record of the training provided, including the dates on which the training is provided and the number of individuals to whom it is provided.

## **10.0 Information and Communications Standards**

The City is committed to meeting the communication needs of persons with disabilities in accordance with the Standards and will notify the public regarding the availability of accessible formats and communication supports.

### **10.1 Feedback**

The City has processes in place for receiving and responding to feedback and will ensure that these processes are available to persons with disabilities by providing or arranging for the provision of accessible formats or communication supports upon request.

Feedback is accepted in the following formats:

- completing the Accessibility Feedback form on the City of Greater Sudbury Accessibility website: <https://www.greatersudbury.ca/city-hall/accessibility/contact-us/>
- by mail: Clerk's Services, PO Box 5000 Station A, 200 Brady Street, Sudbury, ON P3A 5P3
- by email: [accessibility@greatersudbury.ca](mailto:accessibility@greatersudbury.ca)
- by telephone: 705-674-4455 ext. 4209
- in person: Tom Davies Square or any of the City's Citizen Service Centres.

### **10.2 Accessible Formats and Communication Supports**

Upon request the City will provide or arrange for the provision of accessible formats and communication supports in a mutually agreed upon timely manner which considers the circumstances of the requester, and the urgency of their request. The City will consult with the requester and gain agreement in determining the suitability of an accessible format or communication support. The alternative format or support will be provided at a cost that is no more than the regular cost charged to other persons for the same information.

### **10.3 Emergency Procedure**

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

### **10.4 Website Accessibility**

The City will make its internet websites and web content conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 in accordance with the Standard.

## **11.0 Employment Standards**

The City is committed to meeting the requirements set out in this Standard with respect to its employees. This standard does not apply to volunteers or other non-paid individuals.

### **11.1 Recruitment**

The City will notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment process.

During the recruitment process, the City will 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.

When making offers of employment, the City will notify the successful applicant of its policies for accommodating employees with disabilities.

### **11.2 Informing Employees of Supports**

The City will inform its employees of its policies used to support its employees with disabilities, including but not limited to, policies on the provision of job accommodations, such as modified work policies that take into account the employee's accessibility needs due to a disability. The City will provide this information to new employees as soon as practicable after they begin their employment and will provide updated information to its employees whenever there is a change to existing policies, or plans on the provision of job accommodations that take into account an employee's accessibility needs due to a disability.

### **11.3 Accessible Formats and Communication Supports for Employees**

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

The City will consult with the employee making the request and gain agreement in determining the suitability of an accessible format or communication support.

### **11.4 Workplace Emergency Response Information**

The City 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 the employer is aware of the need for accommodation due to the employee's disability.

If an employee who receives individualized workplace emergency response information requires assistance and with the employee's consent, the City will provide the workplace emergency response information to the person designated by the City to provide assistance to the employee as soon as practicable after the City becomes aware of the need for accommodation due to the employee's disability.

The City will review the individualized workplace emergency response information in the following circumstances:

- when the employee moves to a different location in the organization;
- when the employee's overall accommodation needs or plans are reviewed; and
- when the City reviews its general emergency response policies.

### **11.5 Individual Accommodation Plans**

The City will develop and have in place a written process for the development of documented individual accommodation plans for employees with a disability (Modified Work Policy/Early Safe Return to Work Program). The process will include the following elements:

- the manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan;
- the means by which the employee is assessed on an individual basis;
- the manner in which the City can request an evaluation by an outside medical or other expert, at the City's expense, to assist the City in determining if accommodation can be achieved and, if so, how accommodation can be achieved;
- the manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent, or other representative from the workplace, where the employee is not represented by a bargaining agent in the development of the accommodation plan;
- the steps taken to protect the privacy of an employee's personal information;
- the frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done;
- if an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee;
- the means of providing the individual accommodation plan in a format that takes into account the employee's accessibility needs due to a disability;

Individual accommodation plans shall:

- if requested, include any information regarding accessible formats and communication supports provided;
- if requested, include individualized workplace emergency response information; and
- identify any other accommodation this is to be provided.

### **11.6 Return to work**

The City shall develop and 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 process shall outline the steps the City will take to facilitate the return to work of employees who were absent because their disability required them to be away from work and will use documented individual accommodation plans as part of the process.

### **11.7 Performance Management, Career Development and Advancement, and Redeployment**

The City will take into account the accessibility needs of employees with disabilities, and the individual accommodation plans of employees when:

- using its performance management processes;
- providing career development and advancement; and
- redeploying employees.

### **12.0 Transportation Standard**

The City is committed to meeting the Transportation Standard requirements set out in this regulation and will continue to consult with persons with disabilities regarding the development of any new programs, services or equipment or changes to existing practices.

#### **12.1 Information on Accessibility Equipment**

The City shall make available to the public current information on accessibility equipment and features of their vehicles, routes and services and will upon request provide this information in an accessible format.

#### **12.2 Bus Stops and Shelters**

The City shall ensure that the Accessibility Advisory Panel, the public, and persons with disabilities are consulted in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters, including any steps that will be taken to meet the goal of accessible bus stops and shelters.

#### **12.3 Taxicabs**

The City will consult with the Accessibility Advisory Panel, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community.

The City will ensure that owners and operators of taxicabs licensed by the City do not charge additional fares or fees to persons with disabilities than for persons without disabilities and for the storage of mobility aids or mobility assistive devices. The City requires that taxicabs licensed by the City make available vehicle registration and identification information in an accessible format.

### **13.0 Design of Public Spaces Standards (Accessibility Standards for the Built Environment)**

The City shall comply with the Standard when undertaking new construction and redevelopment of public spaces in the following areas:

- recreational trails and beach access routes;
- outdoor public use eating areas;
- outdoor play spaces;
- exterior paths of travel;

- accessible parking;
- obtaining services; and
- maintenance of accessible elements.

This policy does not apply to construction that is external to the City for which the City has provided a permit.

## **14.0 Customer Service Standards**

### **14.1 Assistive Devices**

The City will accommodate the use of personal assistive devices including but not limited to, wheelchairs, canes, walkers, and scooters. Where available, assistive devices including, but not limited to, assistive listening devices such as FM and Infrared transmitters will be kept in good working order and the public will be informed of their availability.

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 unless otherwise prohibited by law (i.e.: health and safety reasons). In such situations, the City may offer a person with a disability other reasonable measures to assist them in obtaining, using and benefiting from the City's goods and services, and work with the person to determine an alternative means for access.

Where applicable, assistive devices owned and operated by the City will be available to assist with serving the customer's needs and requirements while utilizing the goods and services offered by the City.

### **14.2 Service Animals**

An animal is a service animal for a person with a disability if:

- 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
- the person provides documentation from a regulated health professional, described in Section 80.45 (4) of the IASR, confirming that the person requires the animal for reasons relating to the disability.

Persons with disabilities, accompanied by a guide dog or other service animal and accessing goods, services or facilities that are provided to members of the public or other third parties at premises owned or operated by the City, shall be permitted to enter the premises with the animal and to keep the animal with them unless the animal is otherwise excluded by law from the premises.

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

Where an animal is not a trained guide dog and it is not readily apparent that the animal is used by the individual for reasons relating to their disability, the City may request a letter from one of the following regulated health professionals confirming that the person requires the animal for reasons related 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 Physicians and Surgeons of Ontario.
- vi. A member of the College of Physiotherapists of Ontario.
- vii. A member of the College of Psychologists of Ontario.
- viii. A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

A person with a disability is responsible for the control of their service animal at all times. If the service animal is not kept under control, has bitten another person or animal, or is a menace to the safety of other persons, or animals, the service animal may be required to leave the premises.

If this occurs the person will be permitted to continue to access the City goods or services without the animal. In addition, City employees will, upon request, consider alternate accommodations for the person in such circumstances. The City may refuse to permit the service animal to accompany the person until steps have been taken to correct the situation and the issue has been resolved.

**Note:** Service animals have training to perform a specific task for people with disabilities. Emotional support animals provide comfort and security. However, they do not have training for specific tasks. Therefore emotional support animals do not qualify as service animals under the AODA and its regulations.

### **14.3 Support Persons**

If a person with a disability is accompanied by a support person, the City permits both persons to enter the premises together and the person with a disability is not prevented from having access to the support person while on the premises.

If the City charges an admission fee to a support person, the City shall ensure that notice is given in advance about the amount, if any, that is payable in respect of the support person accompanying a person with a disability.

The City may require that a person with a disability be accompanied by a support person when on City premises or participating in City-run programs, but only if, after consulting with the person with a disability, City staff determine that:

- the support person is necessary to protect the health and safety of the person with a disability and the health and 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 and safety of others on the premises.

In such instances, the City shall waive any amount payable in respect of the support person's admission to the premises or in connection with the support person's presence on the premises.

#### **14.4 Notice of Service Disruption**

In the event that there is a temporary service disruption in the availability of facilities, services or goods used by persons with disabilities (e.g., temporary loss of elevator service), the City shall give notice to the public of the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if any, that are available. Such notices are provided by a variety of methods, depending on the circumstances. They may include postings in conspicuous places at the affected premises, in other City facilities, and on the City's website.

#### **15.0 Responsibility**

The Legislative Compliance Coordinator in the Clerk's Services Department is responsible for reviewing this Policy and recommending amendments to ensure ongoing compliance with regulated accessibility standards and legislated obligations.

The Legislative Compliance Coordinator shall provide advice and direction on the implementation of this Policy.

Supervisors and managers shall ensure that they and their staff are familiar with and comply with this Policy.

#### **16.0 Monitoring/Contraventions**

Failure to comply with the AODA and the Standards can result in administrative penalties. Supervisors and managers shall monitor current practices to ensure compliance.

#### **17.0 References**

[Accessibility for Ontarians with Disabilities Act, 2005](#)

[Ontario Regulation 191/11: Integrated Accessibility Standards](#)

[Human Rights Code, 1990](#)

[City of Greater Sudbury Strategic Multi-Year Accessibility Plan](#)