

By-law 2019-94

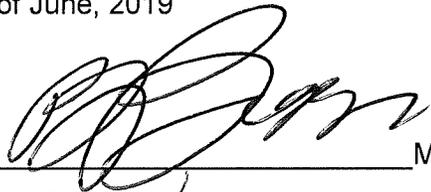
**A By-law of the City of Greater Sudbury to Adopt a
Recreation Program Accommodation Policy**

Whereas Council of the City of Greater Sudbury wishes to adopt a Recreation Program Accommodation Policy;

Now therefore Council of the City of Greater Sudbury hereby enacts as follows:

1. The City of Greater Sudbury Recreation Program Accommodation Policy attached hereto as Schedule "A" and forming part of this By-law is hereby adopted.
2. This By-law comes into effect upon passage.

Read and Passed in Open Council this 11th day of June, 2019



Mayor



Clerk

Recreational Program Accommodation Policy
City of Greater Sudbury

1.0 Overview

In June 2005, the Ontario government passed the *Accessibility for Ontarians with Disabilities Act* (the "AODA") to make Ontario accessible by 2025.

Accessibility standards have been created as part of the AODA, specifically customer service, employment, information and communications, transportation, and the design of public. These standards are rules that organizations in Ontario need to follow to identify, remove and prevent barriers so that people with disabilities have more opportunities to participate in everyday life.

The accessibility standards do not replace or affect existing legal obligations under the Ontario Human Rights Code (the "Code") and other laws in respect of accommodation of people with disabilities. Organizations must comply with the accessibility standards and the Code.

2.0 Policy Statement

Recreation Services of the City is committed to the development of an inclusive, healthy and safe community by providing accessible programs, services and facilities for everyone to enjoy, and to preventing, identifying and removing barriers that impede the ability of people with disabilities from accessing those programs, services and facilities.

It is one of Recreation Services' objectives to ensure that people of all ages and abilities enjoy the same opportunities as they live, work, and play within the City.

3.0 Purpose

The purpose of this policy is to outline the practices and procedures in place in Recreation Services at the City as well as Recreation Services' goals for the development of programs designed to meet the needs of people with Disabilities as well as programs that are open to all and promote inclusion.

4.0 Accessibility Advisory Panel

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

The panel, which includes up to eleven (11) members, the majority of whom are people with disabilities, will periodically review this policy 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.

5.0 Definitions

"Accessible Formats" may include, but are not limited to, large print, recorded audio and electronic formats, Braille, and other formats usable by people with Disabilities.

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"barrier" means anything that prevents a person with a Disability from fully participating in all aspects of society because of his or her Disability, including a physical barrier, an architectural barrier, an information or communications barrier, an attitudinal barrier, a technological barrier, a policy or a practice.

"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 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 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.

"Guide Dog" means "Guide Dog" as defined in Section 1 of the Blind Persons' Rights Act. For the purposes of this policy, the definition includes guide dogs in training.

"Service Animal" means "Service Animal" as defined in Section 80.45(4) of the Accessibility for Ontarians with Disabilities Act.

"Support Person" means, in relation to a person with a Disability, another person who accompanies them in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

6.0 Procedure

Recreation Services will endeavor to identify and remove barriers to access for people with Disabilities by, among other things:

- (a) training staff about key principles and accessibility strategies and tools;
- (b) communicating with each person with a Disability in a manner that takes into account their Disability;

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- (c) permitting people with Disabilities to bring their Guide Dog or Service Animal with them to areas open to the public;
- (d) permitting people with Disabilities who use a Support Person to be accompanied by the Support Person and ensuring that a person with a Disability has access to their Support Person while participating in programs and services;
- (e) encouraging people with Disabilities to use their own personal assistive devices to improve access to programs and services;
- (f) enabling people with Disabilities to access and utilize programs and services by offering assistive devices, measures and accommodation;
- (g) providing notice when facilities or services that people with Disabilities rely on to access programs and services are temporarily disrupted; and
- (h) establishing a process for people to provide feedback on how programs and services are delivered and explaining how Recreation Services will respond to any feedback and what action will be taken.

7.0 Training

It is the responsibility of every staff member to be attentive to the concerns of participants and to resolve concerns related to accessibility.

Recreation Services will provide ongoing training to its employees on the requirements of the AODA and its regulations, and on the Human Rights Code, as it pertains to people with Disabilities ("training").

Recreation Services will maintain records of the training provided, including the name of the employee, the training program, and the date training was provided.

Training will be appropriate to the applicable duties of the employees and, where any changes are made to this policy or requirements, additional training will be provided.

8.0 Accommodation Plans

8.1 Appropriate Accommodations

The aim of accommodation is to remove barriers and to ensure equality.

An accommodation will be appropriate where it results in equal opportunity to enjoy the same benefits and privileges experienced by others, and where it respects the principles of dignity, inclusion and individualization. Appropriate accommodations may include,

- (a) allowing for less rigid timelines for participation in a recreational program (i.e. capacity to attend a full day program, attending only mornings);
- (b) staggered entry into a program;

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- (c) pre-introduction arrangements with staff regarding the participant's involvement;
- (d) adaptations to the program delivery to suit the needs of particular participants;
and/or
- (e) alternative activities for partial day programming.

This list is **not exhaustive**.

Recreation Services understands that accommodation can take many forms, and what works for one participant may not work for another. Each participant's needs must be individually assessed. While Recreation Services cannot guarantee every participant's preferred accommodation in every case, the Recreation Services will work with the participant and/or the participant's parent or guardian to implement the most appropriate individualized accommodation, subject to Section 12.0 ("Undue Hardship") of this Policy.

8.2 Requests for Accommodation

Requests for accommodation must be made, preferably in writing, to Recreation Services. Accommodation requests should be made as soon as possible, and with sufficient time to allow Recreation Services to determine what arrangements can and will be made. Accommodation requests that are received less than seven (7) days prior to the start of a program or service may impact Recreation Services' ability to determine an appropriate accommodation in time for the start of the program.

Accommodation requests should indicate the following:

- (a) the reason why accommodation is required; and
- (b) the specific needs related to the participant's Disability.

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

Recreation Services may require further information about the accommodation request in the following circumstances:

- (a) where further information related to the participant's limitations or restrictions is required in order to determine an appropriate accommodation; or
- (b) where there is a demonstrable objective reason to question the legitimacy of the participant's request for accommodation.

Cooperation between Recreation Services and the participant is integral to the accommodation process. Participants are expected and encouraged to participate fully in the accommodation process.

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8.3 Accommodation Planning

Recreation Services will address accommodation requests promptly. When required and when possible, an interim accommodation may be provided while a long-term accommodation is developed.

The Recreation Services will work with the participant or, in the case of a minor, their parent or guardian, to develop an appropriate accommodation plan.

An accommodation plan, when agreed upon, will be in writing and signed by the participant, or their parent or guardian where applicable, and a program coordinator from Recreation Services. One (1) signed copy of the signed accommodation plan will be maintained by Recreation Services and another signed copy will be provided to the participant or their parent or guardian, as applicable.

An accommodation plan should include, as applicable,

- (a) a statement of the accommodation seeker's relevant limitations and needs, including any necessary assessments and information from health practitioners, bearing in mind the need to protect the accommodation seeker's privacy;
- (b) arrangements for necessary assessments by health practitioners;
- (c) identification of the most appropriate accommodation;
- (d) timelines for the provision of identified accommodations; and
- (e) criteria for determining the success of the accommodation plan, together with a mechanism for review and re-assessment of the accommodation plan as necessary.

8.4 Support Persons

- (a) Persons with Disabilities may be accompanied by a Support Person in areas or premises that are open to the public, when accessing facilities, programs and services provided by Recreation Services.
- (b) In certain cases, Recreation Services may deem it necessary to require a person with a Disability to be accompanied by a Support Person. This will be required only if, after consultation with the person with a Disability and considering all information, the Support Person is necessary to protect the health and/or safety of the person with a Disability or the health and safety of others who are accessing the program, service or facility and there is no other reasonable way to protect the health and safety of all participating individuals.
- (c) There will be no fee payable by the Support Person for any program, service or facility when such Support Person is accompanying a person with a Disability.

8.5 Guide Dogs and Service Animals

- (a) Persons with Disabilities are welcomed to be accompanied by their Guide Dog or Service Animal and keep that animal with them in areas that are open to the

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public, when accessing programs, services and facilities provided by Recreation Services unless prohibited or limited by legislation.

- (b) In the event that a Guide Dog or Service Animal is prohibited by law from being on the premises, the City will ensure that other measures are available to enable the person with a Disability to obtain, use or benefit from the program, services and facilities provided by Recreation Services.
- (c) It is the responsibility of the person using the Guide Dog or Service Animal to ensure that the Service Animal is kept in control at all times.

8.6 Assistive Devices

- (a) Persons with Disabilities are welcome to use their own assistive devices as required to access Recreation Services programs, services and facilities.
- (b) Where a person with a Disability is unable to access Recreation Services programs, services or facilities through the use of their own personal assistive device, Recreation Services staff will work with that person to determine an alternative means for access.
- (c) Where City-owned assistive devices are available for use with Recreation Services programs, services and facilities, designated staff will be knowledgeable of their presence and trained in their application and use.

8.7 Funding

As part of its accommodation planning, Recreation Services will consider any outside sources of funding it can obtain to make the accommodation. Participants are expected and encouraged to avail themselves of any available outside sources of funding to help cover expenses related to their own accommodation. Where such is the case, Recreation Services may assist in identifying these funding sources.

9.0 Communications

9.1 Accessible Formats and Communication Supports

Communications that Recreation Services produces, directly or indirectly through third parties, are available in Accessible Formats upon request.

When an Accessible Format or Communications Support is requested, Recreation Services will consult with the requester to determine which format or support is required and provide the material in a reasonable amount of time and at no cost.

9.2 Emergency procedure, plans, or public safety information

If Recreation Services prepares emergency procedures, plans or public safety information and makes that information available to the public, it will provide the information in an Accessible Format or with appropriate Communications Supports as soon as possible upon request.

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10.0 Notice of Service Disruptions

In the event of a planned service disruption to services or facilities provided by Recreation Services that are relied upon by people with Disabilities, notice of the disruption will be provided in advance.

Notice may be given by posting the information in a prominent place on the premises and/or posted on the City web site, through online subscription service, through social media and/or by such other method as is reasonable under the circumstances.

Notice will include information about the reason for the disruption, its anticipated duration and alternative facilities, services or systems that may be available.

In the event of an unexpected disruption, notice in a manner described in this Section 10.0 will be provided as soon as possible.

11.0 Feedback

Recreation Services has a process in place for receiving and responding to feedback and will ensure that those processes are accessible for people with Disabilities by providing or arranging for the provision of Accessible Formats and/or Communication Supports upon request.

Recreation Services' process allows for people to provide feedback on how programs and services are delivered and explains how Recreation Services will respond to any feedback and what action will be taken.

12.0 Undue Hardship

The Code requires organizations to accommodate people with Disabilities to the point of undue hardship. Accommodation need not be provided if it causes undue or excessive hardship; however, some degree of hardship is acceptable.

The Code prescribes **only** three (3) considerations when assessing whether an accommodation would cause undue hardship:

- (a) cost;
- (b) outside sources of funding, if any; and
- (c) health and safety requirements, if any.

Recreation Services will either:

- (a) take all measures that can be taken without causing undue hardship to accommodate a participant; or
- (b) demonstrate that it is unable to reasonably accommodate the participant's needs without undue hardship to the Recreation Services.

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Where Recreation Services determines that an accommodation would create undue hardship, Recreation Services will:

- (a) provide written notice of such determination to the participant, including the reasons for the decision and the objective evidence relied upon; and
- (b) work with the participant to develop and implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation, where applicable.

13.0 Fees

Persons with Disabilities who participate in Recreation Services programs, services and facilities in accordance with an individual accommodation plan will pay the same fees as people without Disabilities participating in such programs, services and facilities, as set out in the City's "User Fee By-law", as may be amended from time to time.

14.0 Privacy and Confidentiality

Personal information collected in relation to this policy and accommodation plans is collected pursuant to Section 10 of the *Municipal Act, 2001*, and Section 31 of the *Municipal Freedom of Information and Protection of Privacy Act*, and will only be used for the purpose of accommodation pursuant to this policy. Such personal information will be retained in accordance with the City of Greater Sudbury's Records Retention By-law (By-law 2015-226) and will only be disclosed in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. Questions regarding the collection of this information may be directed to the Deputy City Clerk, City of Greater Sudbury, PO Box 5000, Stn A, 200 Brady Street, Sudbury, Ontario, P3A 5P3, clerks@greatersudbury.ca, or by calling 3-1-1.