



# The Corporation of the TOWN OF MILTON

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Report to: Chair & Members of the Community Services Standing Committee

From: Jennifer Reynolds, Director Community Services

Date: April 14, 2009

Report No. COMS-019-09

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Subject: Town of Milton Accessibility Policy

**RECOMMENDATION:** That the Town of Milton Accessibility Policy outlined in COMS-019-09 be approved.

## **REPORT**

### **Background**

The *Accessibility for Ontarians with Disabilities Act, 2005* (AODA, 2005) received Royal Assent on June 13, 2005. This Act applies to public and private sector organizations and mandates the development, implementation and enforcement of common and sector-specific accessibility standards. Common standards apply broadly to all persons and organizations in Ontario. They address barriers within customer service practices, how information and communication is provided, the built environment, and employment practices. Sector-specific standards apply to requirements that may be unique to a particular sector that wouldn't otherwise be covered by the common standards e.g. accessible transportation.

The first standard to become law in Ontario was the Accessible Customer Service Regulation 429/07 which came into force on January 1, 2008; municipalities are expected to comply by January 1, 2010. The Town of Milton's 2009 Accessibility Plan (COMS-018-09) includes activities that are currently underway to meet this standard and the policy outlined in this report is one of the requirements.

### **Discussion**

The Accessible Customer Service Regulation 429/07 established accessibility standards for customer service and requires the municipality to upgrade existing customer service practices to better account for the needs of persons with disabilities. A corporate staff team has been established to work on accessibility activities associated with meeting this regulation. Items being addressed in order to comply include:

- Establishment of accessible customer service policies, practices and procedures, that includes: the use of service animals, assistive devices and support persons



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- Provision of training for all Councillors, staff, volunteers, agents or contractors who act on the Town's behalf
- Establishment of procedures for any notices of temporary disruptions
- Establishment of procedures for the notification of availability of documents in alternate formats
- Establishment of a feedback process for items related to accessibility matters

The Town of Milton Accessibility Policy contained in Schedule A has been developed by staff to fulfil the requirements set out in Regulation 429/07 and allows for the development of requirements associated with future regulations. The procedures to support this policy included in Schedule B relate to Accessible Customer Service and are being provided as an example of what will be developed for future regulations. These documents have been reviewed by legal staff. Staff are currently working on the development and updating of department and corporate operating practices as it relates to Regulation 429/07.

## **Relationship to the Strategic Plan**

Goal: *A responsible, cost effective and accountable local government.*

Direction: *Demonstrate leadership on matters that affect Milton.*

Goal: *A safe, liveable and healthy community.*

Direction: *Promote and facilitate active and healthy lifestyles and life long learning*

## **Financial Impact**

There are no costs associated with approving this policy.

Respectfully submitted,

Jennifer Reynolds  
Director, Community Services

If you have any questions on the content of this report: Janet Davidson, #2534

Attachments: Schedule A: Accessibility Policy  
Schedule B: Accessible Customer Service Procedures

CAO Approval: \_\_\_\_\_



**TOWN OF MILTON  
Corporate Policy**

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**PREPARED BY:** Janet Davidson

**VERSION:** 1

**IMPLEMENTED:** May 2009

**REVIEWED:**

**SUBJECT:** Accessibility

**NUMBER:**

**APPROVAL:** Town Council, April 27, 2009

**REVISED:**

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**POLICY STATEMENT:**

The Corporation of the Town of Milton is committed to eliminating barriers and improving accessibility for persons with disabilities in a manner that respects dignity, independence, integration and equality of opportunity. The Town of Milton permits persons with a disability to use their own assistive devices when accessing goods or services as well as those owned and operated by the Town of Milton. These assistive devices may include but are not limited to: support persons, service animals, communication aids, cognition aids, mobility aids and medical aids.

**PURPOSE:**

This policy is intended to meet the requirements of the Accessibility for Ontarians with Disabilities Act, 2005 and all related standards and regulations introduced under this legislation, ensuring that persons with disabilities are provided equal opportunities and standards of service.

This policy allows for the development of procedures to be implemented to meet the accessibility standards developed by the Ministry of Community and Social Services. The standards include:

- a) Accessible Customer Service
- b) Accessible Transportation
- c) Accessible Information and Communication
- d) Accessible Built Environment
- e) Employment Accessibility

**SCOPE:**

This policy applies to Members of Council, all Town employees as well as volunteers, agents or contractors who act on behalf of or represent the Corporation in any manner. This

policy also applies to members of the Milton Public Library Board, its employees and volunteers.

## **References and Related Documents**

- *Ontarians with Disabilities Act, 2001*
- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Ontario Regulation 429/07 - Accessibility Standards for Customer Service*
- *Ontario Human Rights Code*
- *Town of Milton Annual Accessibility Plan, 2009*
- *Ontario regulation 31/05 under the Food Safety and Quality Act, 2001*
- *Ontario Regulation 562 under the Health Protection and Promotion Act*
- *Town of Milton Animal Control By-law No. 137-2008*
- *Dog Owner's Liability Act*
- *Other Accessibility Standards as approved into Regulation*



**TOWN OF MILTON**  
**CORPORATE PROCEDURES**

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| <b>SECTION:</b>  | <b>TITLE: Accessible Customer Service</b> |
| <b>IMPLEMENTED: April 2009</b>                         | <b>REVIEWED: Draft 1, March 9, 2009</b>   |
| <b>SUBJECT: Accessible Customer Service Procedures</b> | <b>NUMBER:</b>                            |
| <b>APPROVAL:</b>                                       | <b>REVISED:</b>                           |

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**PURPOSE:**

This procedure addresses the accessibility requirements of Regulation 429/07 Accessibility Standards for Customer Service under the Accessibility for Ontarians with Disabilities Act, 2005.

Reasonable efforts will be made to ensure that:

- Persons with disabilities are provided equal opportunity to obtain, use and benefit from the Town of Milton's goods and services
- Goods and services are provided in a manner that respects the dignity and independence of persons with disabilities.
- The goods and services provided to persons with disabilities are integrated with the provision to others unless an alternate measure is necessary to allow a person with a disability to benefit. The alternate measure may be temporary or permanent.
- Communications with a person with a disability are conducted in a manner that takes the person's disability into account.
- Persons with disabilities may use assistive devices, service animals and support persons as is necessary to access the Town of Milton's goods and services unless superseded by other legislation (see list of legislation under References and Related documents section of this document which provides a non-exhaustive list of such legislation).

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**SCOPE:**

This procedure will apply to Members of Council, all Town Employees as well as volunteers, agents or contractors who act on behalf of or represent the Corporation in any manner. This will also apply to members of the Milton Public Library Board and its employees and volunteers.

## DEFINITIONS

**Assistive Device** is a technical aid, communication device, or medical aid modified or customized, that is used to increase, maintain, or improve the functional abilities of people with disabilities.

**Barrier**, as defined by the *Accessibility for Ontarians with Disabilities Act, 2005*, 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.

**Customer** is a person who buys, receives or uses goods or services.

**Disability**, as defined by the *Accessibility for Ontarians with Disabilities Act, 2005* and the *Ontario Human Rights Code*, is:

- 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,
- a condition of mental impairment or a developmental disability,
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- a mental disorder, or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

**Service Animal** – As defined in *Ontario Regulation 429/07* an animal is a service animal for a person with a disability if it is readily apparent that the animal is used by the person for reasons relating to his or her disability; or if the person provides a letter from a physician or nurse confirming that the person requires the animal for reasons relating to the disability.

**Support Person** – As defined in *Ontario Regulation 429/07* a support person means, 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 or services.

## PROCEDURES:

### **Assistive Devices**

The use of assistive devices by persons with disabilities to obtain, use or benefit from the Town of Milton's goods or services is recognized unless otherwise prohibited due to health and safety or privacy issues (see list of legislation under references and related documents section of this document which provides a non-exhaustive list of such legislation). Where applicable assistive devices owned and operated by the Town of Milton will be available for use by persons with disabilities.

### **Support Persons**

Persons with disabilities are permitted to be accompanied by their support person in areas/premises that are open to the public, when accessing goods and services provided by Town of Milton. If a person with a disability is accompanied by a support person, the provider of goods or services shall ensure that both persons are permitted to enter the premises together and that the person with a disability is not prevented from having access to the support person while on the premises.

Where admission fees for the support person are applicable, The Town of Milton will provide advance written notice of the fee.

The Town of Milton may deem it necessary to require a support person for a person with a disability in order to protect the health and safety of that person or of others on the premises. This will only occur after consultation with the person with a disability and when it is the only means to allow the person with a disability to access the Town of Milton's goods or services.

### **Service Animals**

Persons with disabilities are permitted to be accompanied by their service animal and keep that animal with them in areas/premises that are open to the public, when accessing goods and services provided by Town of Milton, unless superseded by other legislation (see list of legislation under references and related documents which provides a non-exhaustive list of such legislation).

In the event that a service animal is otherwise prohibited by law from the premises, the Town of Milton will ensure that other measures are available to enable the person with a disability to obtain, use or benefit from Town of Milton's goods and services.

### **Service Disruptions**

In the event of a planned service disruption to facilities, services or systems that are relied upon by persons with disabilities to access Town of Milton goods or services, notice of the disruption shall be provided in advance.

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

Notice may be given by posting the information in a conspicuous place on premises owned or operated by the provider of goods or services, or posted on the Town of Milton web site or by such other method as is reasonable under the circumstances. In the event of an unexpected disruption, notice will be provided as soon as possible.

### **Training**

Elected officials, staff, volunteers, agents/contractors, third parties and any other individuals who interact with the public or other third parties on behalf of Town of Milton, or who

participate in developing the Town's policies, practices and procedures governing the provision of goods or services to members of the public or other third parties will receive training and/or information on the following topics as outlined in *Ontario Regulation 429/07*.

- Review of the AODA and the requirements of Regulation 429/07.
- How to interact and communicate with persons with various types of disabilities.
- How to interact with persons with disabilities who use an assistive device or require the assistance of a service animal or the assistance of a support person.
- How to use equipment or devices provided by the Town of Milton that may help with the provision of goods or services to a person with a disability.
- What to do if a person with a particular type of disability is having difficulty accessing the Town of Milton's goods or services.
- The Town of Milton's Accessible Customer Service policies, procedures and practices.

The aforementioned training and/or information must be provided to each person as soon as practical after he or she is assigned applicable duties.

The training must also be provided on an on-going basis in connection with any changes to the Town's policies, practices and procedures governing the provision of goods or services to persons with disabilities. As this legislation is reviewed, training will need to reflect any changes or updates as required.

Town of Milton will keep records of the training provided.

### **Feedback Process**

The Town of Milton will maintain a feedback form to enable members of the public to comment on the provision of goods and services to persons with disabilities.

Feedback shall be received in any form (e.g. in person, telephone (TTY), in writing, fax, or in electronic format including email) and all such documents will be logged. All questions and concerns received by the Coordinator, Accessibility shall be acknowledged within a maximum of 2 business days from the date of receipt. Response time to the feedback will depend on the issue, but will not exceed 15 business days unless there are extenuating circumstances involved

### **Notice of Availability of Documents**

The Town of Milton shall notify persons to whom it provides goods or services that the documents required under this regulation are available upon request. This notice may be given by posting the information at a conspicuous place owned and operated by the Town of Milton, the website and/or any other reasonable method.

If the Town of Milton is required to provide a copy of a document to a person with a disability, the Town of Milton will take into consideration the person's disability and provide that document in an appropriate format. The Town of Milton and the person with a disability will agree on what format will be used.



## **RESPONSIBILITIES**

### **The Corporation (includes all departments and staff) is responsible for:**

- Ensuring compliance with the Accessible Customer Service Regulation 429/07
- Including accessibility in annual planning processes
- Budgeting for accessibility requirements
- Supporting staff attendance at required training
- Notifying Human Resources of additional training requirements
- Communicating with a person with a disability regarding the use of a service animal, support person or assistive device
- Coordinating and/or providing service to a person with a disability who may use a service animal, support person or assistive device
- Providing notification of service disruptions and support person admission fees
- Providing all documents in appropriate formats upon request by a person with a disability

### **The Corporate Services Department, Human Resources Division is responsible for:**

- Coordinating and providing Accessible Customer Service training in order to comply with Regulation 429/07
- Ensuring all staff are trained in providing Accessible Customer Service
- Budgeting annually for accessibility training

### **The Coordinator, Accessibility is responsible for:**

- Communicating to all departments regarding all requirements under the regulation
- Monitoring the progress of legislative requirements in order to ensure compliance
- Reporting to the Ministry of Community and Social Services on compliance requirements
- Working with relevant committees to develop policies, procedures and practices
- Communicating all policies, procedures and practices to staff
- Attending professional development activities to keep current on regulations and best practices

### **The Customer is responsible for:**

- Care and control of their service animal while accessing goods or services
- Providing service animal certification upon request
- Providing input when requested in order to work out service discrepancies
- Utilizing feedback process to provide comments on service

## **REFERENCES AND RELATED DOCUMENTS:**

- *Ontarians with Disabilities Act, 2001*
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