



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 73-2016

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### Being a By-law to Amend the Accessibility Policy for the Town of Fort Erie (By-law No. 128-12)

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**Whereas** By-law No. 128-12 passed by the Municipal Council on December 10, 2012, adopted the Accessibility Policy for the Town of Fort Erie, and

**Whereas** Ontario Regulation 165/16 amended Ontario Regulation 191/11 by updating the Customer Service Standard to reflect changes with respect to Service Animals and Support Persons, and

**Whereas** it is deemed desirable to amend the Accessibility Policy to reflect legislative changes;

**Now therefore** the Council of the Town of Fort Erie enacts as follows:

1. **That** Schedule "A" to By-law No. 128-12 is repealed and replaced with Schedule "A" attached hereto and forming part of this By-law.
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 20th day of June 2016.**

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Mayor

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Clerk

I, \_\_\_\_\_, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. -20XX of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.



Town of Fort Erie

# ACCESSIBILITY POLICY



**HELPING MAKE ONTARIO ACCESSIBLE  
BY 2025**

**Town of Fort Erie**  
**ACCESSIBILITY POLICY**

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# Town of Fort Erie

## ACCESSIBILITY POLICY

### POLICY STATEMENT

The Town of Fort Erie is committed to meeting the accessibility needs of people with disabilities in a timely and proactive manner and will use reasonable efforts to provide equitable access to programs, goods, services and facilities in a way that takes into account the following key principles:

**Dignity:** Service is provided in a respectful manner consistent with the needs of the individual.

**Independence:** Services for persons with disabilities shall support their independence while respecting their right to safety and personal privacy.

**Equity/Equality of Outcome:** Service outcome is the same for persons with disabilities as for persons without disabilities.

**Integrated:** Services allow people with disabilities to fully benefit from the same services, in the same place and in the same or similar way as other customers.

**Sensitive:** Service is provided in a manner that is respectful to an individual's needs.

**Responsive:** Service is delivered in a timely manner, considering the nature of the service and the accommodation required.

**Inclusive:** We are committed to an inclusive environment as one where people experience both the feeling and reality of belonging and where, as a result, they are able to fulfill their potential.

### APPLICATION

This policy applies to all Town of Fort Erie employees, volunteers and agents who provide goods, services or facilities on behalf of the Town or who develop policies for the organization.

The requirements set out in this policy are not a replacement or a substitution for the requirements established under the *Human Rights Code* nor do the standards or policy limit any obligations owed to persons with disabilities under any other legislation.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### PURPOSE

This policy identifies how the Town of Fort Erie achieves and maintains accessibility by meeting the requirements of the accessibility standards of the *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”), the *Accessibility Standards for Customer Service* established by *Ontario Regulation 429/07*, and the *Integrated Accessibility Standards* established by *Ontario Regulation 191/11*, and any future regulations as amended.

### DEFINITIONS

“**Accessibility Plan**” means a document approved by Municipal Council and made available to the public that includes the municipality’s strategy to identify, remove and prevent barriers to people with disabilities and meets the requirements under the enacted regulations of the AODA, and all other information and actions required under the *Ontarians with Disabilities Act, 2001 (ODA)*.

“**Accessible formats**” may include, but are not limited to, large print, recorded audio and electronic formats, Braille and other formats used by people with disabilities.

“**Accommodation**” means the special arrangement made or assistance provided so that people with disabilities can participate in the experiences available to people without disabilities. Accommodation will vary depending on the person’s unique needs.

“**Agent**” means a third party individual or organization who deals directly with members of the public to provide a program, service or facility on behalf of the municipality.

“**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 physical, architectural, information and communications, attitudinal, technological, policy or practice barriers.

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

“**Communication Supports**” may include, but is not limited to, captioning, augmentative sound devices, plain language, sign language and other supports that facilitate effective communications.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### DEFINITIONS, continued

**“Conventional Transportation Services”** means public passenger transportation services on transit buses that are provided by a designated public sector transportation organization.

**“Designated Public Sector Organization”** means every municipality and every person or organization listed in Column 1 of Table 1 of Ontario Regulation 146/10 (Public Bodies and Commission Public Bodies – Definitions) made under the *Public Service of Ontario Act, 2006*.

**“Disability” (as defined in the *Ontario Human Rights Code*)** 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*.

**“Information”** includes data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning.

**“Internet Website”** means a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public.

**“Kiosk”** means an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### DEFINITIONS, continued

“**Mobility Aid**” means a device used to facilitate the transport, in a seated posture, of a person with a disability.

“**Mobility Assistive Device**” means a cane, walker, wheelchair, scooter or similar aid.

“**Redeployment**” means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated.

“**Service Animal**” means a ‘guide dog’ as defined in section 1 of the *Blind Persons’ Rights Act, R.S.O. 1990, c.B.7*; or

an animal used by a person with a disability, including but not limited to a dog if it is readily apparent that such animal is used by the person for reasons related to his or her disability; or

if the person provides a letter from a regulated health professional confirming that the person needs the service animal for reasons relating to his or her disability.

“**Specialized Transportation Services**” means public passenger transportation services that are provided by a designated public sector transportation organization and are designed to transport persons with disabilities.

“**Support Person**” means a person who accompanies a person with a disability in order to help with communication, mobility, personal care, medical needs, or with access to goods, services, programs, and facilities.

“**Web Content Accessibility Guidelines**” means the world wide web consortium recommendation, dated December 2008, entitled “Web Content Accessibility Guidelines (WCAG) 2.0”.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### DESCRIPTION

This Accessibility Policy functions as an overarching policy for the requirements of the accessibility standards developed under the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) as follows:

1. **Customer Service** (Ontario Regulation 429/07)
2. **General Requirements** (Integrated Accessibility Standards, O. Reg. 191/11)
3. **Information and Communication** (Integrated Accessibility Standards, O. Reg. 191/11)
4. **Employment** (Integrated Accessibility Standards, O. Reg. 191/11)
5. **Transportation** (Integrated Accessibility Standards, O. Reg. 191/11)
6. **Design of Public Space** (Integrated Accessibility Standards, O. Reg. 413/12)

The Town of Fort Erie achieves compliance with the AODA through the following directives:

### 1. CUSTOMER SERVICE

The Town of Fort Erie is committed to providing excellent customer service to everyone, including people with disabilities. When serving customers with disabilities, reasonable efforts shall be made to provide the same level of service given to all customers and service shall be provided in a manner that respects the customer's dignity and independence. The Accessible Customer Service (ACS) Policy, No. ADP 01-2009, was adopted in May, 2009. The contents of the ACS Policy are now included in this document, where appropriate.

#### 1.1 Assistive Devices:

Persons with disabilities shall be permitted to obtain, use or benefit from goods or services through the use of their own mobility assistive devices or mobility aids.

In the event that a person with a disability is hindered from accessing goods or services and after consulting with the customer, the Town of Fort Erie will accommodate the customer by using any other assistive measures available such as but not limited to providing temporary access to other assistive devices, aids, or a support person.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### 1. CUSTOMER SERVICE, continued

#### 1.2 Service Animals:

The Town welcomes service animals into all Town-owned or operated facilities where the public is allowed. Service animals will be allowed to accompany a person with a disability to allow them to access facilities and services.

If a service animal is otherwise excluded from the premises by law, Town staff members will ensure that other measures are available to enable the person with a disability to obtain use or benefit from the goods or services provided by the Town.

Owners of service animals may receive information from staff as to the location of fresh water for the service animal and where service animals may be walked to relieve themselves.

#### 1.3 Support Persons:

Support Persons are permitted entry to all Town facilities and meeting rooms which are open to the public. The Town reserves the right to request the person with a disability be accompanied by a support person, in the event that it is considered necessary to protect the health and safety of the person with a disability or others on the premises. Before making a decision, the Town must consult with the person with a disability to understand their needs, consider health or safety reasons based on available evidence and determine if there is no other way to protect the health or safety of the person or others on the premises.

If admission to an event is permitted and fees are payable to a third party, the Support Person is permitted to attend the event at their own cost.

If admission to an event is permitted and fees are payable to the Town, the Support Person is permitted to attend at no cost.

#### 1.4 Service Disruptions:

If a temporary disruption of service is planned, the Town will give notice of the disruption, consistent with the Town's notification policy.

Notice may be given by posting the information in a conspicuous place on the premises, through use of social media, or by posting the notice on the Town's website.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### 2. GENERAL REQUIREMENTS

#### 2.1 Accessibility Planning

The Town of Fort Erie will establish, implement, maintain and document a multi-year accessibility plan in accordance with the AODA. The multi-year accessibility plan will outline the ways the Town will prevent and remove barriers and meet the requirements of the standards developed under the AODA.

The multi-year accessibility plan will be:

- reviewed and updated at least every five years, and
- established, reviewed and updated in consultation with persons with disabilities and the Town of Fort Erie's Accessibility Advisory Committee.

An annual status report on the progress of measures taken to implement the multi-year accessibility plan will be prepared. The multi-year accessibility plan and accompanying status report will be posted on the Town's web-site and provided in an accessible format upon request.

#### 2.2 Procurement/Self-Service Kiosks

Where possible, the Town of Fort Erie will incorporate accessibility criteria and features when procuring or acquiring goods, services, facilities and self-service kiosks. If it is not practicable to do so, staff shall provide an explanation, upon request.

#### 2.3 Training

All individuals to whom this policy applies will be trained in accordance with the regulations under the AODA. The Town will keep a record of the training provided, including the dates on which training is provided and the number of individuals trained.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### 2. GENERAL REQUIREMENTS, continued

#### 2.4 Feedback

The Town of Fort Erie has processes for receiving and responding to feedback on the manner in which the Town provides goods and services to customers. Town departments will ensure that these feedback processes are accessible to people with disabilities by providing or arranging for the provision of accessible formats or communication supports upon request.

#### 2.5 Accessible Formats and Communication Supports

Town departments will, upon request, provide or arrange for the provision of accessible formats or communication supports for people with disabilities. This will be done in consultation with the person making the request, in a timely manner that takes into account the person's accessibility needs and (if the original product has a cost) at a cost that is no more than the regular cost charged to other persons.

### 3. INFORMATION AND COMMUNICATION

#### 3.1 Websites and Web Content

Internet websites and web content controlled directly by the Town of Fort Erie or through a contractual relationship that allows for modifications of the product will conform to the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0 at Level A and AA in accordance with the schedule set out in the Information and Communications Standards.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### 4. EMPLOYMENT

The Town of Fort Erie will create an accessible work environment for all employees across the employment life cycle, in accordance with the requirements and timelines set out in the *Integrated Accessibility Standards Regulation* (Ontario Regulation 191/11) under the AODA and, in particular, Part III Employment Standards of such Regulation by:

- Ensuring the recruitment process is inclusive of people with disabilities;
- Informing employees of supports available for employees with disabilities;
- Accommodating employees with disabilities under the AODA in the areas of:
  - Workplace emergency response information;
  - Information and communications needed to perform the employee's job or that is generally available to employees in the workplace; and
  - Other accommodations as required;
- Taking into account employee accommodations in:
  - Performance management;
  - Career development and advancement; and
  - Redeployment; and
- Developing and implementing a return to work process for employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work.

### 5. TRANSPORTATION

The Town of Fort Erie is committed to providing accessible public transportation services through both conventional and specialized transit services, in accordance with the *Integrated Accessibility Standards Regulation* (Ontario Regulation 191/11) under the AODA and, in particular, part IV, Transportation Standards, of such Regulation.

This will be accomplished through the development and implementation of policies, practices, procedures, resources, equipment, and training in the provisions outlined in the *Integrated Accessibility Standards Regulation* under the AODA.

# Town of Fort Erie

## ACCESSIBILITY POLICY

### 6. DESIGN OF PUBLIC SPACES

The Town of Fort Erie is committed to designing public spaces that are accessible, in accordance with the *Integrated Accessibility Standards Regulation* (Ontario Regulation 413/12) under the AODA and, in particular, part IV.1, Design of Public Spaces, of such Regulation.

This will be accomplished by ensuring new construction and planned redevelopment of recreational trails, beach access routes, boardwalks and ramps, outdoor public use eating areas, outdoor play spaces, exterior paths of travel, accessible parking, service counters, fixed queuing guides, and waiting areas meet the requirements of the legislation. The Town will also ensure that the maintenance of accessible elements is put in place according to the requirements.

#### **REVIEW PERIOD**

This policy shall be reviewed once per Council term and will be revised in light of any legislative or organizational changes. Notice for the review of this policy shall be given in accordance with the Town's Notice Policy (By-law No. 206-07).

#### **RESPONSIBILITIES**

The Town of Fort Erie Municipal Council and staff are responsible for adhering to the parameters of this policy and for ensuring the needs of people with disabilities are addressed in municipal goods, services, programs and facilities.

The Office of the CAO will act as corporate coordinator for designated standards under the AODA and are responsible for the coordination, implementation and monitoring of the legislated requirements of the AODA.

The Town of Fort Erie Accessibility Advisory Committee is responsible for reviewing and advising Municipal Council on how the Town of Fort Erie is complying with the regulations under the AODA.

#### **NON-COMPLIANCE WITH POLICY**

Failure to comply with the AODA regulations can result in administrative penalties as defined in Part V: Compliance of the *Integrated Accessibility Standards, Ontario Regulation 191/11*. Employees who fail to comply with this policy may be subject to disciplinary action. Agents who fail to comply with this policy may be subject to contract termination.