



**CITY OF
Burlington**

Corporate Policy

General

Corporate Accessibility Policy

Approved by Council on: March 27, 2017

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Effective: March 27, 2017

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Amended: September 1, 2021

Next Review: January 1, 2023

Note: This policy will be reviewed when additional accessibility related regulations are enacted by the Government of Ontario.

Purpose:

This policy interprets the legislated requirements of the Accessibility for Ontarians with Disabilities Act, 2005 and its regulations as they apply to the City of Burlington and provides a framework of how the city will apply the requirements to develop and/or review other corporate policies, procedures, by-laws, standards and guidelines.

Policy Statement:

The City of Burlington is committed to ensuring that people of all ages and abilities enjoy the same opportunities as they live, work, play, visit and invest in our city.

We promote a caring, inclusive and respectful community where city programs, services and facilities are available to everyone, including people with disabilities. Our goal is to ensure accessibility for the public we serve and our employees.

The City of Burlington will develop, implement, maintain and enhance accessibility in a timely manner that:

- Is free from discrimination
- Is integrated with the provision of service to others, except when alternative measures are necessary to meet the needs of people with disabilities
- Strives at all times to respect the individual's dignity and independence

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- Ensures that reasonable efforts are made so that people with disabilities receive services of the same quality that others receive
- This policy is intended to benefit the full range of persons with disabilities, as defined in the Ontario Human Rights Code.

Legislative Authority:

The Accessibility for Ontarians with Disabilities Act, 2005 (the Act) requires that obligated organizations establish and implement policies and procedures governing how the organization will achieve accessibility through meeting its requirements under the Act and its regulations.

The requirements established in the Act and its regulations are intended to support the purpose and the application of the Ontario Human Rights Code (the Code). At no time will this policy replace or supersede the rights afforded people with disabilities under the Code, nor does the Act and its regulations limit any obligation owed to people with disabilities under any other legislation.

Scope:

Unless otherwise stated, this policy applies to the provision of goods, services and facilities by employees, volunteers and all other persons or organizations that provide goods, services or facilities on behalf of the City of Burlington.

Objectives:

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Accessibility Advisory Committee

The city has established an advisory committee to Burlington City Council with the majority of members being individuals with disabilities.

The Burlington Accessibility Advisory Committee provides advice on the identification, removal and prevention of barriers, including the implementation of the Accessibility for Ontarians with Disabilities Act (AODA) and its regulations and other matters for which staff and Council may seek advice or consultation.

Establishment of Accessibility Policies

The city will develop, implement and maintain policies governing how the city achieves or will achieve accessibility through meeting its requirements referred to in the Accessibility for Ontarians with Disabilities Act (AODA) and its regulations.

The city will make these policies publicly available and, on request, provide them in an accessible format or with communication supports.

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Accessibility Plan

The city will develop, implement, maintain and make public a multi-year accessibility plan in consultation with the Burlington Accessibility Advisory Committee and people with disabilities. The plan will be reviewed and, if necessary, updated at least once every five (5) years.

The plan will outline the corporate strategy to identify, remove and prevent barriers to meet the legislated requirements of the AODA and its regulations. The plan will be posted on the city's web site and made available in an accessible format or with appropriate communication supports as soon as possible upon request.

Accessibility Report

The city will prepare and file an annual accessibility status report on progress and measures taken to implement the multi-year accessibility plan and steps taken to comply with the Integrated Accessibility Standards as specified in the regulation.

Procurement

Criteria for accessible design and features will be incorporated into relevant policies, procedures, proposals and/or by-laws with respect to the procurement of goods, services or facilities. Where applicable, preference will be given to goods, services and/or facilities that are accessible.

If accessibility is not practicable, an explanation will be provided upon request.

Self-serve kiosks

If the city designs, procures or purchases self-serve electronic kiosks, such as credit / debit payment machines, pay parking kiosks etc., consideration will be given to the accessibility features of such machines to make the kiosks accessible to the widest range of users. Preference will be given to machines that are accessible.

Training

The city will ensure that training is provided to all persons who are an employee of, or a volunteer with the City of Burlington and all persons who participate in developing city policies.

Contractors and agents providing services to the public on behalf of the city will be required to provide evidence their staff has received appropriate training as required by the AODA and its regulations as addressed through the city's procurement process.

Training will be provided on the purposes and requirements of the AODA and its regulations, accessible customer service and on the Ontario Human Rights Code as it pertains to persons with disabilities.

Training shall include:

- How to interact and communicate with people with various types of disabilities;

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- How to interact with people who use an assistive device or require the assistance of a guide dog, service animal or support person;
- How to use equipment and devices available on city premises or otherwise provided by the city that may help with the provision of goods, services or facilities to a person with a disability; and,
- What action to take if a person with a particular type of disability is having difficulty accessing goods, services or facilities.

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

Training will take place as soon as practicable and upon completion, the city will keep a record of the training provided, including the name of the person, the method of the training and the date training was provided.

Accessible Information and Communications

Accessible Formats and Communication Supports

Communications that the city produces, directly or indirectly through contractual relationships, are available in accessible formats upon request unless to do so would cause undue hardship.

When an accessible format or communication support is requested, the city will consult with the requesting person to determine which format or support is required and provide the material in a reasonable amount of time and at no additional cost.

This section does not apply to products, product labels, unconvertible information or communications.

If information or communications are determined to be unconvertible, the city will provide the person making the request with the reason why the material is unconvertible and a summary of the unconvertible material in an accessible format.

Notice of Availability of Documents

Notice of the availability of documents in alternative formats and with communication supports will be posted on the city's website and by other methods as is reasonable in the circumstance.

Accessible websites and web content

The city will make its website, and web content, conform to the Worldwide Web Consortium's Web Content Accessibility Guidelines 2.0 requirements on or before the compliance deadlines.

Emergency procedure, plans, or public safety information

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If the city prepares emergency procedures, plans or public safety information and makes that information available to the public, the city will provide the information in an accessible format or with appropriate communication supports as soon as possible, upon request.

Feedback

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

Accessible Customer Service

Fares and Fees

Persons with disabilities will not be charged more to access city programs or services.

Assistive Devices

Persons with disabilities are welcomed to use their own assistive devices as required to access goods, services or facilities offered by the City of Burlington unless otherwise prohibited by law.

If a person with a disability is unable to access the city's goods, services or facilities through the use of their own personal assistive device, city staff will work with the individual to determine an alternative means for access.

Where city owned assistive devices are available, designated staff within the applicable department will be knowledgeable of their presence and trained in the application and use of the devices.

Support Persons

Persons with disabilities may be accompanied by their support person in areas or premises that are open to the public, when accessing goods, services and facilities provided by the City of Burlington.

In certain cases, the City of Burlington 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 or safety of the person with a disability or the health and safety of others who are participating in the activity, service or facility and there is no other reasonable way to protect the health and safety of all participating individuals. Where admission fees for the support person are applicable, advance notice of the fee will be made available.

If the city requires a person to be accompanied by a support person for reasons of health and safety, then any admission or registration fee will be waived for the support person.

Guide Dogs and Service Animals

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Persons with disabilities are welcomed to be accompanied by their guide dog or service animal and keep that animal with them in areas/premises that are open to the public when accessing goods, services and facilities provided by the City of Burlington, unless superseded by other legislation.

In the event that a guide dog or service animal is prohibited by law from the premises the City of Burlington will ensure that other measures are available to enable the person with a disability to obtain, use or benefit from City of Burlington goods, services and facilities.

A guide dog or service animal can be readily identified as being used by the person for reasons relating to the person's disability as a result of visual indicators such as a vest or harness worn by the animal. It can also be identified by providing documentation from a regulated health professional as described in section 80.45 (4) of Ontario Regulation 191/11.

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.

Notice of Service Disruptions

In the event of a planned service disruption to facilities, programs, services or systems that are relied upon by people with disabilities to access City of Burlington goods, services or facilities, 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 prominent place on premises and/or posted on the City of Burlington web site, through online subscription service, through social media 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.

Accessible Workplace

Scope:

The requirements in this section apply only to employees of the city. Volunteers and other non-paid individuals are not captured under this section.

Recruitment

The city will notify employees and the public about the availability of accommodations for applicants with disabilities in its recruitment process and practices.

When individuals are selected to participate in the assessment or selection process, the applicant will be notified that accommodations are available upon request.

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The city will consult with the applicant to determine appropriate accommodation that meet their accessibility needs.

When making an offer of employment, the city will notify the successful applicant of its policies and any other additional supports for accommodating employees with disabilities.

Employee supports

The city will inform all employees of its policies and procedures used to support employees with disabilities, and provide this information to new employees during their workplace orientation training.

Notification will be provided to all employees whenever there is a change to existing policies in the provision of job accommodations.

Accessible formats and communication supports for employees

When requested, the city will provide an employee with a disability with the information they need to perform their job as well as other information generally provided to employees in the workplace in an accessible format. When an accessible format or communication support is requested, the city will consult with the employee to determine which format or support is required.

Workplace emergency response information

Where an employee has a disability and the city is aware of his or her need for accommodation, an individualized emergency response plan will be developed for the employee. This will be done as soon as possible after the city becomes aware of the need for accommodation.

If the employee who receives an individual workplace emergency response information requires assistance and with the employee's consent, the city will provide the workplace emergency information to the person designated by the city to provide assistance to the employee.

Individual accommodation plans

The city will develop a written process to establish a documented individual accommodation plan for employees with disabilities. The process shall included the elements found in section 28 (2) of Ontario Regulation 191/11.

Individual accommodation plans will include information about accessible formats and communication supports if they have been requested, the employee's individualized workplace emergency response plan where one has been identified and any other accommodation that is to be provided.

Return to work process

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The city will develop, and have in place, a return to work process for employees who have been absent due to a disability, and require workplace accommodations in order to return to work.

The process will document the steps the city will take to facilitate the return to work and include an individual accommodation plan.

Performance management, Career development and Redeployment

The city will take into consideration the accessibility needs, as well as any individualized accommodation plan, when providing career development and advancement opportunities, performance management and when considering redeploying of an employee with a disability.

Accessible Transportation

Accessibility Plan, Conventional and Specialized transit services

In addition to its corporate accessibility plan, Burlington Transit will develop an accessibility plan for its conventional and specialized transit service. The plan will outline measures to identify, remove, and prevent barriers to persons with disabilities. The plan will be reviewed and feedback provided, through an annual public meeting, involving persons with disabilities.

General

When providing conventional transit services, the city will ensure the following are offered upon request. This information will be made available in accessible formats upon request unless to do so would cause undue hardship.

- deploy lifting devices, ramps or portable bridge plates;
- provide adequate time for persons with disabilities to safely board, be secured and de-board transportation vehicles and that assistance be provided, upon request, for these activities;
- assist with safe and careful storage of mobility aids or mobility assistive devices used by persons with disabilities, if required; and
- allow a person with a disability to travel with a medical aid.

Availability of Information on Accessibility Equipment

The city will provide the public with information on the accessibility features of its conventional and specialized transit services. This information will be made available in accessible formats upon request unless to do so would cause undue hardship.

Non-Functional Accessibility Equipment

The city will take reasonable steps to accommodate people with disabilities when accessibility equipment on a vehicle is not functioning and equivalent service cannot be provided. The accessibility equipment will be repaired as soon as possible.

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Accessibility Training

In addition to the general training requirements identified through the Ontario Regulation 191/11, sections 7 and 80.49, the city will provide transportation-specific accessibility training to its conventional and specialized transit personnel as it relates to their positions.

Training will be integrated into existing transportation training cycles and upon completion, the city will keep a record of the training provided, including the name of the person, the method of the training and the date training was provided.

Emergency Preparedness and Response Policies

In addition to the emergency requirements identified through the Integrated Accessibility Standards, Ontario Regulation 191/11, section 13, the city's conventional and specialized transit services will develop and implement emergency preparedness and response policies that provide for the safety of persons with disabilities, and make these policies available to the public. This information will be made available in accessible formats upon request unless to do so would cause undue hardship.

Fares and Fees

Persons with disabilities, using conventional and specialized transit services, will pay the same fare as persons without disabilities.

The same pay structure will be used for both conventional and specialized transit services and the same payment options will be available for both conventional and specialized transit services.

Support persons will not be required to pay a fare when providing assistance to a person with a disability while traveling on its conventional or specialized transit. It is the responsibility of the person with a disability to obtain appropriate support person identification by providing documentation from a regulated health professional as described in section 80.45 (4) of Ontario Regulation 191/11 upon request.

Hours of Operation

Burlington Transit will provide its specialized transit service during the same hours and days of operation as its conventional transit services.

Transit Stops

Burlington Transit will ensure that persons with disabilities can board and de-board its conventional transit vehicles in a safe location, other than the designated transit stop, if the designated stop is deemed to be inaccessible, and the safe location is on the same route.

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When identifying a safe location, the operator will take into consideration the preferences provided by persons with disabilities.

Burlington Transit will develop a process for promptly reporting, to a designated authority, when a transit stop is temporarily inaccessible or when a temporary barrier exists.

Criteria for Stops and Shelters

The Burlington Accessibility Advisory Committee, the public, and persons with disabilities will be consulted when developing design criteria for the construction, renovation, or replacement of bus stops and shelters.

Storage of Mobility Aids

Operators will help to safely store mobility aids or mobility devices used by persons with disabilities when space is available on the vehicle and the individual does not require the aid or device while on the vehicle.

At no time will a fee be charged for the storage of mobility aids or mobility assistive devices.

Priority Seating

Clearly marked priority seating for persons with disabilities will be available on all of its conventional transit vehicles. This seating shall be located in close proximity to the front entrance, and be identifiable through signage.

Service Disruptions

In the event of a temporary service or route disruption, when the disruption is known at the beginning of the trip, Burlington Transit will inform the public of the disruption, and make alternate accessible transportation services available if the disruption causes the trip to become inaccessible.

Announcements

Operators will provide verbal pre-boarding announcements of routes, directions, destination, and next major intersection upon request.

Burlington Transit will provide audible and visual announcements, on all of its conventional transit vehicles, of all destination points or available route stops, while the vehicle is on route, or being operated on or before the compliance deadlines. The announcements will be provided through electronic means.

Conventional Transit Technical Requirements

In accordance with sections 53 to 61 of Ontario Regulation 191/11, Burlington Transit will adhere to the technical requirements related to:

- grab bars;
- floor and carpeted surfaces;
- allocated mobility aid spaces;

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- stop-requests and emergency response controls;
- lighting features;
- signage;
- lifting devices;
- steps; and
- Indicators and alarms.

Specialized Transit Requirements

Eligibility and Application Process

Three categories of eligibility will be established for users of the city's specialized transit services – unconditional, temporary, and conditional. Eligibility definitions will consider the criteria, as outlined in section 63 to 67 Ontario Regulation 191/11 when establishing these categories.

The application process for determining eligibility for its specialized transit services will include criteria for applying on emergency or compassionate grounds as well as visitors to Burlington.

Fees will not be charged for persons with disabilities applying to use this specialized transit services.

Origin to Destination Services

Burlington Transit will provide origin to destination services, within its service area, that takes abilities of the customer into consideration. This service may include services on accessible conventional transit services as part of the 'Family of Services' concept

Coordinated Service

Where specialized transit services are provided in adjacent municipalities within contiguous urban areas, Burlington Transit will facilitate coordinated connections to facilitate transfers for passengers traveling across jurisdictions.

Bookings and Trip Restrictions

Burlington Transit will provide an accessible process for accepting reservation bookings for its specialized transit services and will provide same day service to the extent that it is available. Booking requests do not require guarantee of service.

The availability of specialized transit services will not be limited by the number of trips a person with a disability can request, or implement any policies or procedures that unreasonably limits the availability of its specialized transit services.

Service Delays

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Burlington Transit will inform a person who has made a specialized transit reservation of any service delay in the scheduled pick-up time of 30 minutes or more. Information about the delay will be communicated through methods that have been agreed on in advance by Burlington Transit and the individual with a disability.

Companions and Children

Burlington Transit will allow companions to travel with eligible people with disabilities if space is available or does not deny service to another person with a disability on its specialized transit services.

Dependent children will be allowed to travel with a person with a disability who is the parent or guardian provided that appropriate child safety restraints, if required, are available.

Taxicabs

Owner and operators of taxicabs licensed by the City of Burlington are prohibited from charging additional fares or fees to persons with disabilities and at no time will a fee be charged for the storage of mobility aids or mobility assistive devices.

The city requires that taxicabs licensed by the city post vehicle registration and identification information on the rear bumper of the taxicab and make this information available in an accessible format, to persons with disabilities who are passengers.

The city will consult with the Burlington Accessibility Advisory Committee, the public, and persons with disabilities on the appropriate proportion of on-demand accessible taxicabs, and report on the progress in its municipal accessibility plan.

Design of Accessible Public Spaces

Design Standards – scoping

The city will meet or exceed the accessibility requirements when constructing and maintaining new or redeveloped elements of public spaces including:

- Recreational trails and beach access routes
- Outdoor public use eating areas
- Outdoor play spaces
- Exterior paths of travel, including accessible pedestrian control signals
- Accessible on-street and off-street parking

Where conflict exists between the scoping and / or dimensional requirements of City of Burlington Accessibility Design Standards and legislation enacted by the

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federal or provincial governments', the requirement that will result in the most accommodating environment will apply.

Public Consultation

The city will provide opportunity for public consultation in the following areas as described in the regulation:

- Recreational trails
- Outdoor Play Spaces
- Exterior paths
- On-street parking

Where the regulation speaks to public consultation, the consultation will include the public, people with disabilities and the Burlington Accessibility Advisory Committee.

Obtaining services

When constructing or replacing service counters, fixed queuing guides and waiting areas, the city will make them accessible to people with disabilities.

Maintenance of Accessible Elements

The city will develop and implement procedures for preventative and emergency maintenance as well as actions for temporary disruptions of accessible elements in public spaces.

Policy Timeline Requirements:

Provision of all requirements will be made available on or before the dates as specified in the regulation.

Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Term	Definition
Assistive Device	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.
Accessible Formats	As defined in Ontario Regulation 191/11 may include, but are not limited to, large print, recorded

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Term	Definition
	audio and electronic formats, Braille, and other formats usable by persons 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.
Communications	As defined in Ontario Regulation 191/11, means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent, or received.
Communication Supports	As defined in Ontario Regulation 191/11, may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language, and other supports that facilitate effective communication.
Conversion Ready	As defined in Ontario Regulation 191/11, means an electronic or digital format that facilitates conversion into an accessible format such as Braille, large print, audio cassettes CDs DVDs, etc.
Disability	<p>As defined by the Accessibility for Ontarians with Disabilities Act, 2005 and the Ontario Human Rights Code, is:</p> <ul style="list-style-type: none"> • 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

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Term	Definition
	<ul style="list-style-type: none"> 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	As defined in Ontario Regulation 191/11, means guide dog as defined in section 1 of the <i>Blind Persons' Rights Act</i> . For the purposes of this policy, the definition includes guide dogs in training.
Information	As defined in Ontario Regulation 191/11, includes data, facts, and knowledge that exists in any format, including text, audio, digital, or images, that convey meaning.
Kiosk	As defined in Ontario Regulation 191/11, means an interactive electronic terminal, including a point-sale device, intended for public use that allows users to access one or more services or products or both.
Medical Aid	As defined in Ontario Regulation 191/11, means an assistive device, including respirators and portable oxygen supplies.
Mobility Aid	As defined in Ontario Regulation 191/11, means a device used to facilitate the transport, in a seated posture, of a person with a disability.
Mobility Assistive Aid	As defined in Ontario Regulation 191/11, means a cane, walker, or similar aid.
Service Animal	As defined in Ontario Regulation 191/11, 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 regulated health professional confirming that the person requires the animal for reasons relating to the disability.
Support Person	As defined in Ontario Regulation 191/11, 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, services or facilities.
Unconvertible Information or Communications	As defined in Ontario Regulation 191/11, means information or communications it is not technically feasible to convert; or the technology to convert the information or communications is not readily available.

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References and Related Documents:

- Accessibility for Ontarians with Disabilities Act, 2005
- Human Rights Code, R.S.O. 1990, c.H.19
- Integrated Accessibility Standards, O. Reg. 191/11
- Health Protection and Promotion Act, R.R.O. 1990, Reg. 562
- Food Safety and Quality Act, 2001, O. Reg. 31/05
- The Blind Person's Rights Act, R.R.O. 1990, Regulation 58
- City of Burlington Animal Control By-Law Number 60-2005 (as amended)
- Other Accessibility Standards as approved into regulation
- City of Burlington Accessibility Design Standards

Roles:

Accountable:

The Accessibility Coordinator and their supervisor are answerable for the timely review, updating and dissemination of the policy in the functional areas.

Responsible:

All employees, volunteers and all other persons or organizations who provide goods, services or facilities on behalf of the City of Burlington perform the work to achieve the task.