
Sent via attachment: <https://www.aodareview4.com/feedback>

November 29, 2022

Rich Donovan
Independent Reviewer of the
Accessibility for Ontarians with Disabilities Act (AODA)

Dear Rich Donovan:

Re: AMO Submission to the Fourth Independent Review of the AODA

On behalf of the Association of Municipalities of Ontario (AMO), please accept this letter as our written submission for the fourth independent review of the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA).

AMO welcomes the opportunity to provide input for your review. AMO is well positioned to do so as the implementation of individual standards under the Act impacts on every facet of municipal operations for our residents. AMO shares the Ontario government's commitment to a fully accessible Ontario by 2025 and continues to support the need for increased and improved accessibility for Ontarians in all aspects of community and civic life. Municipal governments are doing their part at the forefront of efforts to create more accessible communities for their residents.

Our goal is to improve the municipal ability and capacity to meet the objectives of the Act. Since the enactment of the legislation in 2005, AMO has focused on ensuring that the regulations under the AODA meaningfully meet the needs of persons with disabilities in Ontario's communities. At the same time, AMO seeks to achieve accessibility in a way that is affordable, efficient, and sustainable for municipal governments and the residents that they serve.

Overall, important advancements through the AODA have furthered movement toward a more accessible Ontario. There is, however, further action that can be taken to improve the effectiveness of the Act. This letter outlines our recommendations for your consideration.

We trust that the review will generate useful advice to you based on input from all the obligated sectors and the public, including most importantly persons with disabilities.

If you have any questions regarding this submission, please feel free to contact AMO's policy staff, Michael Jacek. He is reachable via e-mail at mjacek@amo.on.ca or by telephone at 416-971-9856 ext. 329. Our Accessibility Task Force is also available to meet with you at you as needed.

Thank you for your consideration of our input.

Sincerely,



Colin Best
AMO President
Mayor of the Town of Parry Sound

cc: Brenda Orchard, Chair of AMO's Accessibility Task Force and CAO of Lennox and Addington County

AMO's Recommendations

1. The government should undertake a public outreach and educational campaign to promote achievement of the goals of an accessible Ontario by 2025.

Everyone in the province can play a role to ensure that we achieve an accessible Ontario by 2025. Government cannot do it alone. This requires an 'all hands-on deck' approach with a full societal mobilization of government, the obligated sectors, and individuals. The province can help to facilitate this effort by undertaking a public outreach and educational campaign to promote the value proposition of an accessible Ontario from both a social inclusion and economic perspective to get everyone on board.

2. The government should establish a plan for accessibility in the province beyond 2025.

There are goals for an accessible Ontario by 2025. However, further work will need to be done to truly achieve a fully accessible province for all persons. Disabilities will increase as the population ages. It is therefore imperative that we not declare the job done by 2025 but continue to plan for goals beyond that. The province may be accessible going forward if everything remains on track to completion; still, there will be retroactive work to be completed especially for the built environment.

3. The government should work with post-secondary and training institutions to facilitate the inclusion of accessibility requirements in university and college curriculums to ensure a workforce that is well versed in accessibility requirements and technical specifications.

Ontario's municipal governments, and other obligated sectors, need a skilled labour force and vendors of goods and services well versed in the requirements of the AODA. Working with post-secondary and training institutions to incorporate AODA training into sector specific courses (such as Architecture, Marketing, Communications, Information Technology, Engineering, etc.) is one way to help ensure that graduating students entering the workforce have the requisite skills and knowledge to apply this to the sector in which they work.

There is a clear business case for doing this, both from a social inclusion and economic development lens. Furthering accessibility in all occupations in private non-profit and public sectors will advance Ontario's economic output by utilizing the buying power of persons with disabilities and the buying power of government for goods and services.

4. The government should work with school boards to further generational change in attitudes and behaviours by incorporating accessibility in the education curriculum.

This would serve to inform students about their rights, obligations, and the potential for persons with disabilities to live full lives and obtain meaningful employment opportunities on par with other job seekers. There is an opportunity for the government to make this change when considering revising the education curriculum. The Ministry of Seniors and Accessibility can work with the Ministry of Education to make this happen.

5. The government should aid compliance in the private sector by requiring companies to demonstrate they have consulted with persons with disabilities who purchase their goods and services about their needs.

More could be done to increase compliance in the private sector. The situation has been observed by Municipal Accessibility Advisory Committees (MAACs) who often receive complaints from the public and by municipal governments who have experienced challenges contracting with vendors that can demonstrably meet the accessibility requirements. There is concern that MAACs are being asked to play an inappropriate role to help the private sector facilitate compliance. This was not part of the MAACs' original mandate.

In the absence of an accessibility advisory structure, the private sector could benefit from a mandated requirement to demonstrate how they have consulted with persons with disabilities who purchase their goods and services about their needs.

6. The government should help support capacity building for Municipal Accessibility Advisory Committees (MAACs) so that they can effectively fulfill their legislated obligations, including establishing a funding program for municipal governments to provide remuneration to persons with disabilities serving on MAACs.

Overall, the MAACs are a successful means to encourage innovation, community collaboration, and facilitation of a high level of engagement of people with disabilities in local governance.

Previously, under the *Ontarians with Disabilities Act* (ODA), the role of the MAAC was to advise municipalities on finding local solutions to local problems. However, under the AODA, more prescriptive regulations and accompanying compliance dates require the MAACs to provide advice to municipal councils about the requirements and implementation of accessibility standards and the preparation of accessibility reports. This change of role has made it difficult for committees to continue to identify and prevent local barriers at the same time as advising on implementation.

The AODA is more technical and administrative than the ODA. MAACs were not originally established for the purpose of reviewing such detailed requirements and administrative transactions. There is a challenge in that the MAACs are required by the legislation to consult on everything no matter how technical and administrative the subject matter may be. This scope under the AODA is more than many MAACs are equipped to handle appropriately as citizen volunteers or laypersons.

The provincial government should play a greater role to provide resources to MAACs including training and orientation curriculum for new members.

In addition, persons with disabilities are volunteers on MAACs. Providing remuneration is the right thing to do. A provincial funding pool could help make this happen in municipalities across Ontario of varying fiscal capacity.

7. The Government should assist smaller municipal governments that do not have Municipal Accessibility Advisory Committees (MAACs) including exploring the option of helping to establish regionally based committees and facilitating joint committees as a best practice.

At least two hundred municipal governments are not mandated in legislation to have MMACs due to their population size. In many cases, there is not the capacity to create these committees even on a voluntarily basis. The challenge is that the AODA requirements still apply and there is a gap in the provision of technical advice. The government should explore ways with these municipal governments on how best to assist them. One option to explore may be to establish regionally based advisory bodies. Joint committees have also been identified as a best practice.

8. The government should issue clearer and more comprehensive policy guidelines to aid in the interpretation of the standards, as well as more tools and resources to support implementation and compliance.

There is inconsistency arising from varying interpretations of the legislation and the standards. In some sections of the AODA, it is generally up to municipal governments and other obligated sector organizations to individually interpret the standards with their legal counsel. It would aid clarity, decrease legal costs, and facilitate greater consistency across the obligated sectors if the Ministry developed more in-depth policy guidelines and helped with legal support especially to smaller organizations. This could include including disseminating legal opinions.

In recent years, the Ministry of Seniors and Accessibility has decreased the amount and range of the valuable tools and resources available to the obligated sectors to aid compliance. There needs to be a renewed emphasis on providing these critical supports.

9. The government should address the high cost of implementation by providing direct financial assistance to municipal governments, especially for built environment projects and web accessibility.

Municipal governments are struggling to budget for the long-term resource needs for AODA implementation. Financial assistance from the provincial government should include a modest funding pool to help municipal governments, especially smaller ones, to contract consultants to conduct accessibility assessments and to project the costs of compliance. Further funding to help cost-share capital projects, particularly to meet compliance with the Built Environment Standard and incorporate projections into asset management plans, would also be welcome.

The Government should amend the legislation to include a provincial obligation to provide both financial and other non-financial assistance and resources to the obligated sectors to further overall compliance and exceeding of the requirements. Currently, the legislation only authorizes the government to provide incentives. Such incentives have not been provided.

10. The government should direct that new standard development, or revisions, should be:

(i) backed by thorough cost-impact analysis

(ii) staggered and reasonable timelines for implementation (beyond January 1, 2025)

(iii) supported by dissemination of best practices and training.

When revising standards, it should be clearly demonstrated that they are effectively and efficiently meeting the needs of persons with disabilities and not just unnecessarily creating administrative burden for the obligated sectors.

Amendments to the reviewed standards can have significant impact on municipal governments with new requirements that must be met. Accompanying supports and resources must be provided based on the analysis.

11. The government should streamline and simplify the legislation and compliance reporting requirements to reduce unnecessary administrative burden on the obligated sectors.

Under the AODA, municipalities are required to provide many reports. The government should only require reporting that provides useful and essential information to the ministry and back to the obligated sectors. There are administratively burdensome reporting requirements for public sector organizations. Large designated public sector organizations are required to: review and update the multi-year accessibility plan at least every five years; provide annual status reports on implementation activities; and complete the Province's Accessibility Compliance Reports every two years. They can also be audited by the ministry. These requirements are too frequent, administratively burdensome, and

detract from the focus on the actual implementation. Recuing and streamlining will divert more resources and focus on front-line work, rather than administration.

12. The government should find ways to share and disseminate information back from reports and plans from the obligated sectors to facilitate learning and continuous improvement in the sector.

Reports submitted as part of the AODA requirements are often not reported back out on. The Ministry of Seniors and Accessibility could play a greater role to feed back the aggregate information to the obligated sector.

It would also be beneficial to the municipal sector if the government developed performance measures to assist self-evaluation and the tools to measure success based on outcomes. This would aid compliance and allow communities to report out to their local communities on achievements.

13. The government should conduct a comprehensive review on how best to align the standards and cross-reference with other relevant legislation and regulations (e.g., Human Rights Code, Ontario Building Code, and the federal legislation).

There has been progress with harmonization of the standards with other related legislation and regulations in recent years. Further alignment will help ensure consistency in application. For example, the AODA could be cross referenced in the Ontario Building Code. On the other side, incorporating language into the AODA that recognizes disability as a social determinant of health, drawing from the Ontario Public Health Standards, would be appropriate and strengthen the legislation.

With new national accessibility legislation passed by Canada's legislature, it may be worth exploring if it is value-added to harmonize at all with the new federal act.

14. The government should conduct a review to assess and implement appropriate actions to meet the housing needs of persons with disabilities.

Many persons with disabilities struggle to find and maintain suitable, safe, and appropriate accommodations that they can afford. It is both a supply issue and a housing affordability issue. People in receipt of income support from the Ontario Disability Support Program (ODSP) often can not afford accommodation that will meet their needs. Recent media reports have profiled some tragic cases where people with disabilities are considering opting for Medical Assistance in Dying (MAID) in the absence of other viable options. This should not be happening.

The Ministry of Seniors and Accessibility should jointly lead a review with the Ministry of Municipal Affairs and Housing and the Ministry of Children, Community and Social Services to assess the need and the actions required going forward. Exploring new options for affordable and supportive housing as well as home

renovation funding programs are likely warranted. Raising levels of government assisted income support is another option to consider.