

OWA CORPORATE POLICY

TITLE: **Accessibility**

OWNER: **OWA Office**

STATUS:

OVERVIEW

The *Accessibility for Ontarians with Disability Act, 2005* (the “AODA”) is a provincial statute that outlines the requirements for developing, implementing and mandating accessibility standards in order to achieve accessibility for persons with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures, and premises.

A detailed compliance framework for designated public sector organizations, including the Office of the Worker Adviser (OWA) is included in the Integrated Accessibility Standards Regulation (IASR) (O. Reg. 191/11) that defines the standards for accessibility in areas including:

- customer service
- information and communications
- employment
- design of public spaces
- transportation

The Accessibility Policy (the “Policy”) is developed to ensure that OWA meets its compliance obligations for accessibility set out in the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA) and Ontario Regulation 191/11 - Integrated Accessibility Standards Regulation (IASR) (collectively, “AODA”) and in consideration of the related provisions of the Ontario *Human Rights Code*, the *Workplace Safety Insurance Act, 1997* and the *Occupational Health and Safety Act*.

PURPOSE

The Policy defines:

- OWA’s vision and goals for accessibility; and
- Expectations to ensure compliance with the AODA, its standards and regulations, and other applicable legislation and OWA policies.

The overall goal is to increase accessibility for persons with disabilities in a way that is respectful of their dignity and independence.

APPLICATION AND SCOPE

This Policy applies to all OWA employees and contractors and pertains to all services provided by the OWA.

In scope are the accessibility needs of persons with disabilities including Customers and OWA employees.

POLICY STATEMENT

OWA is committed to establishing a barrier-free environment and meeting the requirements of the AODA and the organizational policies that address employees' human rights and privacy.

In fulfilling its mandate, OWA strives to provide its services in a way that respects the dignity and independence of people with disabilities. OWA is also committed to ensuring people with disabilities have the same opportunity to access OWA services and benefits as others.

OWA is also committed to ensuring its employment practices are accessible to meet the needs of employees and job applicants with disabilities.

To deliver on these commitments, OWA shall identify, prevent, and remove barriers to accessibility that might interfere with the ability of the people with disabilities to interact with OWA, or obtain goods and/or services in a timely manner, or use OWA facilities, or work productively in the OWA's workplace.

DEFINITIONS

For the purpose of this policy:

AODA means, the *Accessibility for Ontarians with Disability Act, 2005* and its Regulations.

Accessibility means giving people of all abilities opportunities to participate fully in everyday life. It is used to describe how widely a service, product, device, or environment is available to as many people as possible. Accessibility can be seen as the ability to access and benefit from a system, service, product or environment.

Accessible formats may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

Assistive devices mean an auxiliary aid such as communication aids, cognition aids, personal mobility aids, mobility assistive devices and medical aids (canes, wheelchairs, crutches, or hearing aids).

Barrier means anything that keeps someone with a disability from participating in all aspects of society. Examples of barriers include:

- Physical and architectural barriers: occur in the environment and prevent access for people with disabilities.
- Information or communications barriers: arise when a person with a disability cannot easily receive and/or understand information that is available to others (e.g.

publications that are not available in large print, digitally, Braille or other accessible formats);

- **Technological barriers:** occur when technology or the way it is used does not meet the needs of people with disabilities (e.g. a website that does not support screen reading software);
- **Attitudinal barriers:** may result in people with disabilities being treated differently than people without disabilities (e.g. a receptionist who talks to an individual's support person rather than the individual with a disability); or
- **Systemic barriers** in policies, practices and procedures result in people with disabilities being treated differently than others or sometimes excluded altogether.

Customers means the subset of the general public to whom OWA provides goods, services and facilities, in the ordinary course of business, including, but not limited to, injured workers, employers, and other representatives of the public.

Communication supports may include, but are not limited to, captioning, alternative and augmentative communication supports (i.e. methods used to supplement or replace speech or writing for those with impairments in the production or comprehension of spoken or written language), plain language, sign language, and other supports that facilitate effective communication.

Guide Dog means a highly-trained working dog that has been trained at one of the facilities listed in Ontario Regulation 58 under the *Blind Persons' Rights Act*, to provide mobility, safety and increased independence for people who are blind.

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

Person Requiring Assistance (PRA) means a person identified as requiring assistance at the time of an evacuation. This can be due to a medical condition or some other reason.

Person with Disabilities means an individual who has a disability. "Disability" is defined in the Ontario *Human Rights Code* as:

- 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 in 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; and
- 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*.

Service Animal means a service animal for a person with a disability if:

- a) the animal can be readily identified as one that is being used by the person for reasons relating to the person's disability, as a result of visual indicators such as the vest or harness worn by the animal; or
- b) the person provides documentation from one of the following regulated health professionals confirming that the person requires the animal for reasons relating to the disability:

A member of:

- the College of Audiologists and Speech-Language Pathologists of Ontario;
- the College of Audiologists and Speech-Language Pathologists of Ontario;
- the College of Chiropractors of Ontario;
- the College of Nurses of Ontario;
- the College of Occupational Therapists of Ontario;
- the College of Optometrists of Ontario;
- the College of Physicians and Surgeons of Ontario;
- the College of Physiotherapists of Ontario;
- the College of Psychologists of Ontario; or
- the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario.

Support Persons means any person whether a paid professional, volunteer, family member, or friend who accompanies a person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities.

Temporary Disruption means a short term planned or unplanned disruption to facilities or services that persons with disabilities usually use to obtain OWA's goods and/or services.

Undue Hardship: The duty to accommodate obliges the employer to make reasonable efforts to alter the workplace to accommodate an employee's disability related needs thus allowing the employee to properly carry out their work duties. This duty stops short of the employer experiencing "undue hardship". Such undue hardship generally involves excessive interference with a business' operation, or an increased risk to the health and safety of the employee, co-workers or others. What constitutes undue hardship varies based on the circumstances surrounding each individual case.

Web Content Accessibility Guidelines (WCAG) means the World Wide Web Consortium Recommendation, dated December 2008, entitled *Web Content Accessibility Guidelines 2.0*.

REQUIREMENTS

1. Accessible Customer Service

- 1.1. OWA shall make every reasonable effort to ensure that its policies, practices and procedures are consistent with the principles of dignity, independence, integration and equal opportunity by:
 - ensuring that all Customers receive the same value and quality;
 - allowing Customers with disabilities to do things in their own way and at their own pace when accessing goods and services provided this does not pose a safety risk;
 - using alternative methods when possible, to ensure that Customers with disabilities have access to the same services, in the same place and in a similar manner;
 - taking into account individual needs when providing goods and services; and
 - communicating in a manner that takes into account the Customer's disability.
- 1.2. OWA employees and agents are encouraged to be proactive in seeking solutions and removing barriers, as well as alerting all Customers to the range of available accommodations.
- 1.3. It is recommended that OWA employees use the term "persons with disabilities" or "people with disabilities" and if a specific condition must be referenced, the condition be referenced last (e.g., person with low vision). To guide communication and interaction with or about people with all types of disabilities:
 - It is important to put people first. It is more appropriate to say "person with a disability", rather than "disabled person" or "the disabled".
 - It is best not to make assumptions. Wait until an individual describes their disability to you. Disabilities can be complex and our assumptions may be inaccurate.
- 1.4 Guide Dogs and Service Animals
 - 1.4.1. If a person with a disability is accompanied by a guide dog, a service dog, or another service animal, OWA will allow the person to enter any OWA facility with the animal and to keep the animal with them
 - 1.4.2. If it is not readily apparent that the animal is being used by the Customer for reasons related to their disability, OWA may request verification from the Customer. Verification may include:
 - a confirmation that the person requires the animal for reasons related to the disability (see Service Animal definition); or
 - a certificate of training from a recognized guide dog or service animal training school.
 - 1.4.3. It is the responsibility of the person with a disability to ensure that their service animal is under their control at all times.

1.5. Use of Support Persons

- 1.5.1. If a person with a disability is accompanied by a support person, OWA shall ensure that both persons are allowed to enter its premises together, and that the person with a disability is not prevented from having access to the support person.
- 1.5.2. OWA may require the person with a disability to be accompanied by a support person when on OWA's premises in the event that a support person is necessary to protect the health and safety of a person with a disability or the health and safety of others on the premises. This may only occur after consulting with the person with a disability.

1.6. Use of Assistive Devices

- 1.6.1. Persons with disabilities may use their own assistive devices as required when accessing OWA's goods and/or services. In cases where the assistive device presents a safety concern or where a barrier may exist, other reasonable measures may be used to ensure the access of goods and/or services.
- 1.6.2. OWA shall ensure that its employees and agents are familiar with the use of assistive devices available on OWA's or its agent's premises, as appropriate to their duties, and inform persons with disabilities of the available assistive devices.

1.7. Notice of Temporary Disruptions

- 1.7.1. Service or facilities related disruptions may occur due to reasons that may or may not be within the control or knowledge of OWA. Where possible, when a temporary disruption occurs, the OWA will take reasonable steps to continue assisting people with disabilities.
- 1.7.2. OWA shall provide Customers with notice in the event of a planned disruption in the facilities or services usually used by people with disabilities.
- 1.7.3. In the event of an unexpected disruption, OWA shall make reasonable efforts to contact Customers with disabilities that may be impacted by the disruption prior to their scheduled meetings.
- 1.7.4. The notice shall include information about the reason for the disruption, its anticipated duration, and a description of alternative facilities or services, if available.
- 1.7.5. Notice(s) will be placed at visible place(s) on the premises (e.g., public entrances, service counters) and posted on the OWA website. When posted notices are used, there must also be a plan to convey the information to people who may not see or cannot understand the signage. Notice can also be provided about service disruptions as may be appropriate, given the circumstances of the disruption and level of engagement.

1.8. Feedback Process

- 1.8.1. The ultimate goal of OWA is to meet Customer expectations while serving Customers with disabilities.
- 1.8.2. Ensure that the feedback process allows Customers to provide comments through the website, by email, phone or in-person.
- 1.8.3. Accessible formats and communication supports shall be made available upon request to persons wishing to provide feedback. Privacy shall be respected throughout the feedback process.
- 1.8.4. OWA's response shall be in a format that respects the communication preference of the person with a disability. Additional time may be required for follow up depending on the format of response required.

1.9. Availability of Accessibility Documents

- 1.9.1. All documents required by the Accessibility Standards for Customer Service, including the OWA accessibility policy, notices of temporary disruptions, and written feedback process shall be available upon request, subject to the OWA Freedom of Information Policy.
- 1.9.2. When providing these documents to a person with a disability, OWA shall endeavor to provide the document, or the information contained in the document, in a format that takes the person's disability into account.
- 1.9.3. Where OWA determines that these documents cannot be converted into an accessible format, OWA shall provide the person requesting the information or communication with:
 - an explanation as to why the information or communications are inconvertible; and
 - a summary of the inconvertible information or communication.

2. AODA Training

- 2.1. The OWA shall ensure that training, using appropriate methodologies, is provided to the following person(s):
 - all employees;
 - every person engaged to deliver goods and/or services and/or facilities on OWA behalf; and
 - any person involved in developing OWA policies, as required by the AODA.
- 2.2. Training shall be provided to each person according to their duties as soon as reasonably practicable. Ongoing training shall be provided in connection with changes to OWA's policies, practices and procedures governing the provision of goods and/or services and/or facilities to persons with disabilities.
- 2.3. OWA shall maintain a training plan that integrates the requirements of the AODA.
- 2.4. OWA shall ensure that the amount and format of training shall be in relation to the person's level of interaction with OWA Customers.

- 2.5. OWA shall maintain a record of the dates on which the training is provided and the individuals to whom it is provided.
- 2.6. Regardless of the format, training shall cover the following:
- A review of the purposes of the Accessibility for Ontarians with Disabilities Act, 2005 and the requirements of the Accessibility Standards for Customer Service
 - Instructions on how to interact and communicate with people with various types of disabilities
 - Instruction on how to interact with people with disabilities who:
 - use an assistive device(s); or
 - require the assistance of a guide dog, service dog or other service animal; or
 - require the use of a support person
 - Instructions on how to use equipment available on the OWA premises or that OWA provides that may help people with disabilities
 - Instructions on what to do if a person with a disability is having difficulty accessing our services
 - OWA's policies, procedures and practices pertaining to providing accessible customer service to Customers with disabilities.

3. Information and Communication

3.1. Accessible Formats Available Upon Request

OWA shall provide, upon request, to the people with disabilities who are OWA Customers, the information under OWA control, about OWA's goods and/or services. Where possible, appropriate accessible format or communication supports shall be used. Such information shall be provided in a timely manner and take into account the accessibility needs of the person with a disability. This information will be provided at a cost that is no more than the regular cost charged to other persons.

3.2. OWA shall notify the public about the availability of accessible formats and communication supports through its website and shall engage in an ongoing process of identifying additional accessible formats and communications supports that may be offered by OWA.

3.3. Where OWA determines that information or communications cannot be converted into an accessible format, OWA shall provide the person requesting the information or communication with:

- an explanation as to why the information or communications are inconvertible; and
- a summary of the inconvertible information or communication.

3.4. Website Accessibility

3.4.1. Any new internet websites or web-based applications (including when making significant modifications to these) controlled directly by the OWA or

through a contractual relationship that allows for modification of a product shall conform to the WCAG Level A and increasing to level AA.

- 3.4.2. OWA shall continue to work towards increasing the accessibility of its existing web content, website(s) and web-based applications.
 - 3.4.3. Beginning January 1, 2021: all public websites and web content posted after January 1, 2012 shall meet WCAG 2.0 Level AA other than criteria 1.2.4 (live captions) and 1.2.5 (pre-recorded audio descriptions).
- 3.5. Multi-Year Accessibility Plan and Annual Progress Reports
- 3.5.1. OWA shall maintain and make public a Multi-Year Accessibility Plan to improve the accessibility of its goods, services and facilities and meet the compliance requirements of the AODA. The Plan shall be updated at least once every five years and then posted on the OWA's external website.
 - 3.5.2. OWA shall prepare an annual status report on the progress of measures taken to implement the Multi-Year Accessibility Plan.
- 3.6. Publically Available Emergency Procedures and Safety Information
- 3.6.1. OWA prepares for emergency situations and develops protocols for the protection of, and assistance to, everyone on OWA's premises during an emergency. Publically available emergency procedures and safety information will be made available in an accessible manner upon request.
 - 3.6.2. The OWA works with our building landlords to provide publically available emergency procedures and safety information related to the building, upon request, to Customers in an accessible format or with appropriate communication supports.

4. Procurement

- 4.1. OWA will incorporate accessibility criteria and features when we procure or acquire goods, services and facilities, where practicable to do so. Upon request, OWA will provide an explanation where it is not practicable to incorporate accessibility criteria and features when procuring or acquiring goods, service or facilities.

5. Employment

- 5.1. Notice of Accommodation Availability in Recruitment and Selection
 - 5.1.1. As part of the OPS, OWA is committed to fostering and sustaining an inclusive and accessible workplace that allows all employees to fully participate. OPS policies promote the recruitment, retention and development of talented employees through equitable and barrier-free practices. We uphold the rights of all employees to be treated with dignity, respect and equality. Every staff member is expected to contribute to creating and sustaining a workplace that is respectful and inclusive of individual needs and differences.
 - 5.1.2. Human Resources Management Directive (HRMD) sets out the framework for human resources policies. All directives, policies and practices encompass the principles of inclusion and accessibility.

5.2. Informing Employees of Supports

- 5.2.1. Human Resources Management Directive (HRMD) sets out the framework for human resources policies. All directives, policies and practices encompass the principles of inclusion and accessibility.

5.3. Accessible Formats and Communication Supports for Employees

- 5.3.1. Upon request by an employee with a disability, OWA shall provide, or arrange for, accessible formats and communication supports for information that is needed to perform their job, and information that is available to other employees. In order to determine the suitability of an accessible format or communication support, OWA shall consult with the employee making the request.
- 5.3.2. Accessible formats and communications supports regarding general workplace information shall also be provided to employees with disabilities.
- 5.3.3. OWA shall ensure that a formalized process is in place for development of documented individual accommodation plans for employees with disabilities.

5.4. Workplace Emergency Response Information and Individualized Plans

- 5.4.1. Where we are aware that an employee has a disability and that there is a need for accommodation, individualized workplace emergency response information will be provided to the employee as soon as possible if such information is necessary given the nature of the employee's disability.
- 5.4.2. Our emergency protocols include persons requiring assistance and AODA requirements.
- 5.4.3. An employee-wide communication was deployed throughout the region to identify employees with disabilities requiring workplace emergency response assistance as persons requiring assistance.
- 5.4.4. Individualized workplace emergency plans have been prepared for employees who have disclosed a disability and who require accommodation.
- 5.4.5. A process for communicating individual emergency response plans to floor fire wardens has been implemented maintaining the privacy of any medical information that may be disclosed during the accommodation process.

5.5. Documented Individual Accommodation Plans

- 5.5.1. OWA will establish a written process for developing documented individual accommodation plans for employees with disabilities. If requested, the accommodation plan will include information regarding accessible format and communication supports provided, individualized emergency response information, if required, and any other accommodation that is to be provided.

6. Design of Office Layout and Public Spaces

- 6.1. When facilities management constructs or redevelops OWA public spaces such as, service counters and waiting areas we will do so in keeping with the

requirements set out in the Integrated Accessibility Standards - The Design of Public Spaces Standards and Ontario's Building Code.

7. Roles and Responsibilities

7.1. PFESD is responsible for:

- documenting, maintaining and updating this policy;
- preparing the annual status report in consultation with areas that have specific AODA responsibilities and making it available on OWA's website;
- ensuring AODA Multi-Year Accessibility Plan, the annual status report and relevant AODA information are posted on the OWA website;
- filling the AODA Corporate Compliance Report with the Ontario Government;
- addressing AODA concerns escalated to the Accessibility Office;
- ensuring internet, intranet and SharePoint content conforms to OWA accessible design standards;
- ensuring that feedback process is documented and is working effectively as required and soliciting such feedback;
- converting information, by persons with disabilities in an accessible format, upon request, or ensuring the use of appropriate communication supports, where available;
- participating in planning for the management of Customers with disabilities during emergency situations;
- assisting in formulating security plans and the posting of signage when there is a disruption to accessible services;
- ensuring emergency plans are established and annually reviewed for OWA employees who are Persons Requiring Assistance (PRA's);
- meeting AODA requirements when procuring goods, services or facilities; and
- incorporating accessibility design criteria and features in the development of new tools and systems or when a significant upgrade is being implemented.

7.2. OWA Managers are responsible for:

- raising awareness to facilitate understanding of the policy;
- demonstrating sensitivity to and respect confidentiality of information; and
- participating and co-operating to facilitate workplace accommodation, including the development of contingency plans.

7.3. Reception employees and management are responsible for:

- ensuring reception areas and equipment in reception areas are accessible and reporting problems to appropriate areas for resolution;
- reporting any accessibility and/or equipment concerns for reception areas to their local management; and

- formulating plans, in conjunction with local management and security, for advising Customers and delivering services if reception areas or OWA buildings are not accessible for people with disabilities.

7.5. All OWA employees are responsible for:

- ensuring they understand the intent of this policy;
- complying with the provisions of this policy; and
- completing required training.

7.6. Employees with disabilities are responsible for:

- participating and cooperating with all parties to facilitate workplace accommodation; and
- informing the management of their need for accommodation in an emergency by completing “Persons Requiring Assistance Form”.

POLICY MAINTENANCE

This Policy is reviewed every three years or sooner, if necessary.

Inquiries about the Policy should be addressed to PFESD management.

RELATED DOCUMENTS

This Policy should be read in conjunction with the following documents, as applicable:

- *Accessibility for Ontarians with Disabilities Act, 2005 (AODA)* and Integrated Accessibility Standard Regulation (IASR)
- *Blind Persons’ Rights Act*
- *Ontarians with Disabilities Act, 2001*
- *Ontario Human Rights Code*
- *Workplace Safety and Insurance Act, 1997*
- Persons Requiring Assistance Form

EFFECTIVE DATE

The Effective Date of this Policy is **November 5, 2019**