

# SPECIAL EDUCATION ADVISORY COMMITTEE REGULAR MEETING

## AGENDA March 27, 2019

**Dr. Ashleigh Molloy, Chair**  
Community Representative

**Sandra Mastronardi, Vice Chair**  
Autism Ontario

**Melanie Battaglia**  
Community Representative

**Lori Ciccolini**  
Community Representative

**Lori Mastrogiuseppe**  
Fetal Alcohol Spectrum Disorder (FASD)

**Tyler Munro**  
Integration Action for Inclusion  
Representative

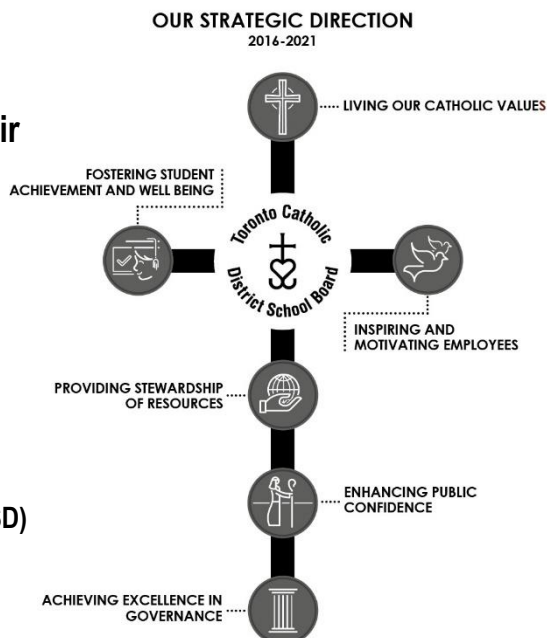
**Gizelle Paine**  
LD Toronto Chapter Representative

**Mary Pugh**  
VOICE for Hearing Impaired

**Glenn Webster**  
Ontario Assoc. of  
Families of Children  
With Communication  
Disorders

**George Wedge**  
Easter Seals

**Trustee Members**  
**Nancy Crawford**  
**Daniel Di Giorgio**  
**Angela Kennedy**



### MISSION

*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.  
We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

### VISION

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Recording Secretary: Sophia Harris, 416-222-8282 Ext. 2293**  
**Assistant Recording Secretary: Sonia Tomaz, 416-222-8282 Ext. 2298**

**Rory McGuckin**  
Director of Education

**Maria Rizzo**  
Chair of the Board

## **OUR MISSION**

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# **AGENDA THE REGULAR MEETING OF THE SPECIAL EDUCATION ADVISORY COMMITTEE**

## **PUBLIC SESSION**

Wednesday, March 27, 2019

7:00 P.M.

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	Pages
1. Roll Call & Apologies	
2. Approval of the Agenda	
3. Declarations of Interest	
4. Approval & Signing of the Minutes of the Meeting held February 20, 2019 for Public Session	1 - 18
5. Delegations	
6. Presentations	
7. Unfinished Business	
8. Notices of Matters and Trustee Matters: (for which seventy-two hours' notice has been given)	
9. Communications	
9.a SEAC Monthly Calendar Review	19 - 20
9.b Special Education Superintendent Update	21 - 23
9.c Thank-You Message from Marilyn Taylor (Verbal)	

- 9.d Safe Schools Committee (Verbal Update)
- 9.e Mental Health Committee (Verbal Update)
- 9.f Budget Approval (Verbal Update)

**10. Matters Referred/Deferred to the Committee by the Board and Other Committees**

From the February 20, 2019 Special Education Advisory Committee (SEAC) Meeting

- |      |   |          |
|------|---|----------|
| 10.a | A Policy Primer - Ontario Human Rights Commission - Guide to Developing Human Rights Policies and Procedures  | 24 - 63  |
|      | <a href="http://www.ohrc.on.ca/sites/default/files/A%20policy%20primer_Guide%20to%20developing%20human%20rights%20policies%20and%20procedures_2013.pdf">http://www.ohrc.on.ca/sites/default/files/A%20policy%20primer_Guide%20to%20developing%20human%20rights%20policies%20and%20procedures_2013.pdf</a> |          |
| 10.b | Toronto Catholic District School Board (TCDSB) Freedom of Information Request (FOIR) Exclusions   | 64 - 65  |
| 10.c | Annual Report on the Accessibility Standards Policy (A.35)  | 66 - 119 |

From the March 18, 2019 Special Board Meeting

- 10.d Motion from Trustee Li Preti regarding Emergency Plan for Accommodating Special Education Students and/or Students with a Physical Disability that may be excused from regular hours of School

Whereas families with children who have special need children with intellectual and/or developmental disabilities are being asked to pick up children early, start their school day later or keep children at home for indefinite periods of time; and

Whereas families with special need children may not have the flexibility or the financial means to leave their employment and pick up children from school - sometimes on a daily basis; and

Whereas asking parents to alter regular school hours for special need

students is a further obstacle to many families and causes undue hardship for the child and the family; and

Whereas it is recognized that some students may present challenges and one of the common causes of excusing students from school may be due in part to behavioural issues; and

Whereas TCDSB school personnel may not have the resources available to them to resolve issues regarding classroom management; and

Whereas it is not in the best interest of the school community if a student poses a safety concern; and

Whereas the practice of excusing special need students may deny some students inclusive educational opportunities; and

Whereas TCDSB does not formally track soft exclusions at the present time; and

Whereas the provision in the Education Act to exclude children from school is outdated and may violate the rights of children to an inclusive education; and

Whereas it is recognized that some students may present challenges, alternatives to exclusion should be available to students and families first; and

Therefore, be it resolved that the TCDSB create an emergency plan for accommodating special education students and/ or students with a physical disability that may be excused from regular hours of school; and

Further be it resolved than a central on call service be available to principals on an emergency basis when the parent(s) are not available to pick up their child; and

Further be it resolved that staff prepare a report on the implementation of an Emergency Plan for Special Education Disability Accommodation Needs and projected costs; and

Further be it resolved that staff bring this motion to the next SEAC meeting for discussion, review and further recommendation (s); and



Further be it resolved that staff review deploying existing staff on an on call basis and investigate other possible contract/part time resources to accommodate an Emergency Plan for Special Education Disability Accommodation Needs; and

Further be it resolved that funding for Emergency Special Education Disability Accommodation Needs be added to the budget and considered during budget deliberations; and

Further be it resolved that the Ministry of Education be requested to fund the Emergency Special Education Disability Accommodation Needs;

Be it further resolved that this motion take effect immediately.

**11. Reports of Officials, and Special and Permanent Committees Requiring Action**

**12. Reports of Officials for Information**

**13. Inquiries and Miscellaneous**

13.a Easter Seals Month, March (posted on Board website)

13.b Inquiry from George Wedge regarding Educational Assistants (EAs) and Child and Youth Workers (CYWs):

How does Human Resources (HR) determine which temporary EAs or CYWs are submitted to a Principal for interview on a permanent posting in the absence of any Permanent EA or CYW having applied?

**14. Association Reports**

14.a	Ministry of Education (MOE) 2019: SB01 Update: Special Education Funding in 2018-19	120 - 136
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14.b	MOE 2019: B07 Supporting Students with Autism Spectrum Disorder	137 - 140
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14.c	MOE 2019: B08 New Vision for Education	141 - 151
		152 - 153

14.d	Ministry of Children, Community and Social Services News Release: Ontario Enhancing Support for Children with Autism, March 21, 2019	
14.e	World Down Syndrome Day - March 21, 2019 (Verbal)	
14.f	Easter Seals Ontario - 2019 Fact Sheet	154
14.g	Accessibility for Ontarians with Disabilities Act (AODA) - 3rd Review: Report by the Honourable David D. Onley, former Lieutenant Governor of Ontario	155 - 238
14.h	Teaching a Child with Fetal Alcohol Spectrum Disorders (FASD) - National Organization for Foetal Alcohol Syndrome - United Kingdom (UK)	239 - 246
14.i	Ontario Autism Coalition: Minister of Education's "Autism Announcement" is Too Little, Too Late (March 11, 2019)	247 - 248
14.j	Autism Ontario Responds to Ontario Ministry of Education's News Release "Enhancing Education Support: A Plan for Students with Autism" (March 11, 2019)	249 - 250
15.	<b>Update from Trustees on resolutions recommended to the Board by the Committee</b>	
16.	<b>Pending List</b>	251 - 254
17.	<b>Adjournment</b>	

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# **MINUTES OF THE REGULAR MEETING OF THE SPECIAL EDUCATION ADVISORY COMMITTEE PUBLIC SESSION**

**HELD WEDNESDAY, FEBRUARY 20, 2019**

## **PRESENT:**

### **External**

**Members:** Ashleigh Molloy, Chair  
Sandra Mastronardi, Vice-Chair  
Melanie Battaglia  
Tyler Munro  
Glenn Webster  
George Wedge

**Trustees:** N. Crawford  
D. Di Giorgio  
A. Kennedy – via Teleconference

**Staff:** D. Koenig  
L. Maselli-Jackman  
V. Cocco  
R. Macchia  
J. Mirabella  
D. Reid

S. Harris, Recording Secretary  
S. Tomaz, Assistant Recording Secretary

**External** A. Robertson, Parliamentarian  
**Guest:**

The meeting commenced with Sandra Mastronardi as Chair.

**1. Roll Call & Apologies**

Apologies were extended on behalf of Lori Mastrogiuseppe, Gizelle Paine and Mary Pugh.

Sandra Mastronardi relinquished the Chair to Trustee Crawford.

**2. Approval of the Agenda**

MOVED by Tyler Munro, seconded by George Wedge, that the Agenda, as amended to reorder Item 9j) Toronto Catholic District School Board (TCDSB) Freedom of Information Request (FOIR) Exclusions prior to Item 9a) SEAC Monthly Calendar Review; include Items 13c) Inquiry from Sandra Mastronardi regarding Budget; 13d) Inquiry from Tyler Munro regarding the March 18, 2019 Special Board Meeting; and 13e) Inquiry from George Wedge regarding Physically Disabled Students Identified in the Accountability Framework, be approved.

On the Vote taken, the Motion was declared

CARRIED

Sandra Mastronardi reassumed the Chair.

**3. Declarations of Interest**

There were none.

**4. Approval & Signing of the Minutes of the Meeting**

MOVED by Trustee Crawford, seconded by Trustee Di Giorgio, that the Minutes of the Regular Meeting held January 23, 2019 for PUBLIC Session be approved.

On the Vote taken, the Motion was declared

CARRIED

**6. Presentations**

MOVED by Glenn Webster, seconded by Tyler Munro, that Item 6a) be adopted as follows:

- 6a) Presentation from Alasdair Robertson, Parliamentarian, regarding January 23, 2019 Post-Meeting Review received.**

On the Vote taken, the Motion was declared

CARRIED

MOVED by Trustee Crawford, seconded by Glenn Webster, that Item 6b) be adopted as follows:

- 6b) Presentation from George Wedge regarding Recognition of March as Easter Seals Month received.**

On the Vote taken, the Motion was declared

CARRIED

**(NB: Items 6a) and 6b) were verbally added to the Agenda during the meeting)**

## 7. Unfinished Business

From the SEAC Meeting Held on January 23, 2019

MOVED by Tyler Munro, seconded by Melanie Battaglia, that Item 7a) be adopted as follows:

- 7a) A Policy Primer – Ontario Human Rights Commission – Guide to Developing Human Rights Policies and Procedures** that this Item be deferred to the March 27, 2019 SEAC Meeting.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Trustee Di Giorgio, seconded by Tyler Munro, that Item 7b) be adopted as follows:

- 7b) Inquiry from Tyler Munro regarding Change of Placement Decisions:**  
**How long does the Board expect a Principal and Teaching Staff to make efforts to accommodate a child in a regular class before starting the Identification, Placement and Review Committee (IPRC) to move the Student to the appropriate program?** received.

On the vote taken, the Motion was declared

CARRIED

Sandra Mastronardi relinquished the Chair to Ashleigh Molloy.

MOVED by Trustee Crawford, seconded by George Wedge, that Item 7c) be adopted as follows:

- 7c) Inquiry from Sandra Mastronardi regarding Equity Plan** received.

On the vote taken, the Motion was declared

CARRIED

Sandra Mastronardi requested that Item 7d) be withdrawn.

MOVED by Sandra Mastronardi, seconded by Glenn Webster, that Item 7d) be adopted as follows:

- 7d) Inquiry from Sandra Mastronardi regarding Annual Accessibility Report 2018** that this Item be withdrawn.

On the vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Glenn Webster, that Item 7e) be adopted as follows:

- 7e) Inquiry from Tyler Munro regarding Professional Development Focus on Behavior Programs** received.

On the vote taken, the Motion was declared

CARRIED

MOVED by Trustee Crawford, seconded by George Wedge, that Item 7f) be adopted as follows:

- 7f) Special Education Advisory Committee Minutes and Agendas to Trustees received.**

On the vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 7g) be adopted as follows:

- 7g) Catholic Teachers Association – Pilot Project: Faith & Wellness received.**

On the vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Glenn Webster, that Item 7h) be adopted as follows:

- 7h) Toronto Accessibility Advisory Committee received.**

On the vote taken, the Motion was declared

CARRIED



MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 7i) be adopted as follows:

- 7i) Easter Seals Web announcement: Statement on the 2017 Canadian Survey on Disability (CSD) – Easter Seals Canada – December 3, 2018** received.

On the vote taken, the Motion was declared

CARRIED

MOVED by Melanie Battaglia, seconded by Glenn Webster, that Item 7j) be adopted as follows:

- 7j) Autism Ontario 2019 Pre-Budget Consultation Submission** received.

MOVED in AMENDMENT by George Wedge, seconded by Glenn Webster, that the materials be added to the Minutes to the Board.

On the vote taken, the Amendment was declared

CARRIED

On the vote taken, the Motion, as amended, was declared

CARRIED

## 9. Communications

MOVED by Trustee Crawford, seconded by Tyler Munro, that Item 9j) be adopted as follows:

### 9j) **Toronto Catholic District School Board (TCDSB) Freedom of Information (FOIR) Exclusions** received.

MOVED by Melanie Battaglia, seconded by Trustee Di Giorgio, that the Item be deferred to the March 27, 2019 SEAC meeting at which time the proposed attached motions should be discussed.

On the Vote taken, the Motion was declared

CARRIED

MOVED by George Wedge, seconded by Sandra Mastronardi, that Item 9a) be adopted as follows:

### 9a) **SEAC Monthly Calendar Review** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Glenn Webster, that Item 9b) be adopted as follows:

### 9b) **Special Services Superintendent Update** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Trustee Crawford, seconded by George Wedge, that Item 9c) be adopted as follows:

- 9c) Verbal Update regarding Special Equipment Amount (SEA) Claims** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 9d) be adopted as follows:

- 9d) Verbal Update regarding Feedback on the Special Education Fair held February 2, 2019** that SEAC recommend to Board that the Special Services Resource Fair be held in November 2019 and that SEAC members be available to assist.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Tyler Munro, that Item 9e) be adopted as follows:

- 9e) Post-21 Transition Fair at Bishop Marrocco / Thomas Merton Catholic Secondary School and Regional Arts Centre** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by George Wedge, seconded by Sandra Mastronardi, that Item 9f) be adopted as follows:

- 9f) Service Animal Protocol – Consultation Draft** received

On the Vote taken, the Motion was declared

CARRIED

MOVED by George Wedge, seconded by Trustee Crawford, that Item 9g) be adopted as follows:

- 9g) Verbal Update regarding Cancellation of the Accessibility for Ontarians with Disabilities Act (AODA) Presentation at the Ontario Human Rights Commission (OHRC) on March 1, 2019** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by George Wedge, seconded by Trustee Crawford, that Item 9h) be adopted as follows:

- 9h) Verbal update regarding Education Quality and Accountability Office (EQAO) Reporting Denominator Teleconference received.**

On the Vote taken, the Motion was declared

CARRIED

MOVED by Trustee Glenn Webster, seconded by George Wedge, that Item 9i) be adopted as follows:

- 9i) Provincial Parent Associations Advisory Committee (PAAC) Handbook on Special Education Advisory Committee (SEAC) received.**

On the Vote taken, the Motion was declared

CARRIED

**10. Matters Referred/Deferred to the Committee by the Board and Other Committees**

MOVED by Melanie Battaglia, seconded by Sandra Mastronardi, that Item 10a) be adopted as follows:

- 10a) SEAC Motions Received by Board and referred to Staff for a Report received.**

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 10b) be adopted as follows:

- 10b) Annual Report on the Accessibility Standards Policy (A.35)** that this Item be deferred to the March 27, 2019 SEAC meeting.

On the Vote taken, the Motion was declared

CARRIED

**13. Inquiries and Miscellaneous**

MOVED by Sandra Mastronardi, seconded by Trustee Crawford, that Item 13a) be adopted as follows:

**13a) Inquiry from Sandra Mastronardi regarding SEAC Motions:**

**The process where SEAC motions and requests are captured, listed and monitored on the SEAC agenda until their disposition; The process used to list SEAC motions and recommendations on the Board meeting Public Agenda received.**

On the Vote taken, the Motion was declared

CARRIED

- 13b) Inquiry from Sandra Mastronardi regarding the new TCDSB Equity Plan being posted on the Board website noted.**

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 13c) be adopted as follows:

- 13c) Inquiry from Sandra Mastronardi regarding Budget** that SEAC recommend to Board that staff provide SEAC with a detailed and comprehensive special education “booklet” which includes and provides an overview with details of TCDSB operational revenues, instructional and non-instructional operation expenditures in relation to special education.

On the Vote taken, the Motion was declared

CARRIED

- 13d) Inquiry from Tyler Munro regarding the March 18, 2019 Special Board Meeting noted.**

MOVED by George Wedge, seconded by Sandra Mastronardi, that Item 13e) be adopted as follows:

- 13e) Inquiry from George Wedge regarding Physically Disabled Students Identified in the Accountability Framework** that SEAC recommend to Board that the number of students with physical disability either as their primary or secondary exceptionality be identified.

On the Vote taken, the Motion was declared

CARRIED

**14. Association Reports**

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 14a) be adopted as follows:

- 14a) Learning Disabilities Association of Ontario (LDAO) SEAC February Circular** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by George Wedge, that Item 14b) be adopted as follows:

- 14b) Path 2 Work from JVS Toronto – Employment Program for Adults Eighteen (18) Years of Age or Older with Developmental Disabilities** received.

On the Vote taken, the Motion was declared

CARRIED

MOVED by Sandra Mastronardi, seconded by Melanie Battaglia, that Item 14c) be adopted as follows:

- 14c) Autism Ontario – News Release February 9, 2019 and February 12, 2019:**

- 1. The Ministry of Children, Community and Social Services announces plan to clear Ontario Autism Program wait-lists; and**
- 2. Statement from Autism Ontario** received.



MOVED in AMENDMENT by Trustee Crawford, seconded by Sandra Mastronardi, that SEAC recommend to Board that a letter be written to the Ontario Ministry of Children, Community and Social Services relating to this particular concern, and that the draft letter be reviewed by SEAC prior to submission.

On the Vote taken, the Amendment was declared

CARRIED

On the Vote taken, the Motion, as amended, was declared

CARRIED

**17. Adjournment**

MOVED by Trustee Crawford, seconded by Tyler Munro, that the meeting be adjourned.

On the Vote taken, the Motion was declared

CARRIED

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SECRETARY

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CHAIR

Attachment**Toronto Catholic District School Board Freedom Of Information Request (FOIR) Exclusions**

Freedom of Information Request dated March 10, 2016 ("FOIR") that lists 21 Exclusions over a multi-year period: 1 in 2013, 4 in 2014, 10 in 2015 and 6 in the first 2 months of 2016. When analyzing those years, we see a clear and rapid trend upward in the use of Exclusions.

a) regarding the enclosed FOIR, that SEAC recommend to Board that staff be asked to provide to SEAC a copy of the template letter created for school principals to adapt and send to parents/guardians in cases where section 265(1)(m) of the Education Act has been invoked;

b) regarding the enclosed FOIR listing exclusions from December 2013 to and including February 2016, that SEAC recommend to Board that staff inquire and report back to SEAC as to whether the exclusions listed were documented as "safety" exclusions or "disciplinary" exclusions, in light of page 5 of the Report, excerpted below:

*"The Annual Safe School Report is directly linked to Safe School Legislation. However, Safety Exclusions under 265 (1)m of the Education Act are not tracked by the Safe School department as they are not associated with Safe Schools legislation; nor is there any requirement for the Board to report those to the Ministry of Education. Safety exclusions are not considered disciplinary and also include Police exclusions which school Principals are mandated to adhere to until an active police investigation is complete. In any event, there is an expectation that the student will return to a school of the TCDSB. Exclusions are thus not a metric that is linked to the Safe Schools Annual Report. Instead, Safety Exclusions deal with programming alternatives that support a successful academic and social-emotional transition back to a school." (p. 5).*

c) regarding the enclosed FOIR listing exclusions from December 2013 to and including February 2016, that SEAC recommend to Board that staff inquire and report back to SEAC as to whether the students with the listed exclusions had a history of discipline issues prior to the exclusion, including but not limited to warnings, suspensions and expulsions;

d) regarding the enclosed FOIR, that SEAC recommend to Board that staff inquire and report back to SEAC as to the subcategory of students listed as excluded from December 2013 to and including February 2016 as follows: (i) students not in receipt of special education services; (ii) students with an IEP; (iii) by exceptionality (using the Ministry's 14 categories of exceptionalities); and (iv) whether the exclusion was due to police direction/court order or the principal's discretion;

e) regarding the enclosed FOIR, that SEAC recommend to Board that staff inquire and report back to SEAC as to whether the parents/guardians of the students listed as excluded were provided with a written appeal hearing policy and/or procedure (the "Policy") regarding the

Appeal Hearing Information identified in the chart, and if so (i) to provide a copy of the Policy to SEAC; and (ii) to advise whether the Policy is publicly available on the school board's website and if so, to provide a copy of the web page;

f) that SEAC recommend to Board that staff inquire and report back to SEAC the number of students excluded from March 2016 to and including December 2018, subcategorized as follows: (i) students not in receipt of special education services; (ii) students with an IEP; (iii) by exceptionality (using the Ministry's 14 categories of exceptionalities); (iv) whether the exclusion was due to police direction/court order or the principal's discretion; and (v) whether the excluded students had a history of discipline issues prior to the exclusion, including but not limited to warnings, suspensions and expulsions;

g) that SEAC recommend to Board that staff inquire and report back to SEAC as to whether the TCDSB has a written policy and/or procedure on when and for how long the Board and/or principal may exclude a student under section 265(1)(m) of the Education Act, and if so, (i) to provide a copy of the Policy to SEAC; and (ii) to advise whether the Policy is publicly available on the school board's website and if so, to provide a copy of the web page;

h) that SEAC recommend to Board that staff inquire and report back to SEAC as to how a teacher marks a student absent for attendance when the student has been excluded from school for all or part of a school day; and

i) that SEAC recommend to Board that staff inquire and report back to SEAC as to where and with what service provider(s) an excluded student continues to receive access to their education and uninterrupted learning during the period of exclusion and for how long, ie how many hours of academic instruction per day.

Thank you.

Melanie Battaglia

SEAC Community Representative

Month	Annual Activities/Topics	Board Events/Deadlines
January	<ul style="list-style-type: none"> <li>- Review of Draft SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Set SEAC goals for the year</li> <li>- Annual Accessibility Report 2019</li> <li>- Policy review of Special Education Programs (S.P.01)</li> <li>- Multi-year Accessibility Plan/AODA-Updates</li> <li>- Mental Health Annual Report 2017-18</li> <li>- Auditor Report – Ministry Funding and Oversight of School Boards</li> </ul>	<ul style="list-style-type: none"> <li>- Grade 9 EQAO Testing takes place in Secondary Schools</li> <li>- Long Term Accommodation Program Plan (ongoing)</li> </ul>
February	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Special Education Plan: Review Program Specific Resources for Parents</li> <li>- TCDSB Equity Plan Presentation</li> <li>- Auditor Report – School Board’s Management of Financial and Human Resources</li> <li>- Special Education Parent Fair</li> </ul>	<ul style="list-style-type: none"> <li>- Multi-Year Strategic Plan (MYSP)</li> <li>- New term begins in Secondary Schools that operate on semesters</li> <li>- Report Cards are distributed (Elementary and Secondary)</li> <li>- Parent-Teacher Conferences</li> </ul>
March	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Continue consultation on Special Education Programs and Services</li> <li>- Safe Schools Committee Update</li> <li>- Mental Health Committee Update</li> <li>- Budget Approval Updates</li> </ul>	Ontario Secondary School Literacy Test (OSSLT) takes place
April	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Financial Report as at January, 2019</li> <li>- GSNs</li> <li>- March 31<sup>st</sup> Special Education student count</li> <li>- Update to Special Education Programs for 2019-20</li> <li>- Budget Approval Updates</li> </ul>	<p>ONSIS report on identified students</p> <p>Autism Awareness Month</p>
May	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Student Grants 2019-2020</li> <li>- Pro Grants Application Update</li> <li>- Budget Approval Updates</li> </ul>	<p>Budget Consultation continues</p> <p>EQAO Assessment</p>
June	<ul style="list-style-type: none"> <li>- Review of SEAC Calendar</li> <li>- S.O. Updates</li> <li>- Review Special Education Checklist</li> <li>- Special Education Plan</li> <li>- Budget approval update</li> </ul>	EQAO Grade 3 and 6 Testing

	- <i>Status of PRO Grant application</i>	
July		<i>School Board Submits balanced Budget for the following year to the Ministry</i>
August		
September	<ul style="list-style-type: none"> <li>- <i>Review of SEAC Calendar</i></li> <li>- <i>S.O. Updates</i></li> <li>- <i>Review TCDSB accessibility Plans</i></li> <li>- <i>Update re Special Needs Strategy</i></li> <li>- <i>Develop or review SEAC annual Agenda/Goals</i></li> <li>- <i>Association Reports (if any)</i></li> </ul>	<i>Special Education Report Checklist submitted to the Ministry of Education</i>
October	<ul style="list-style-type: none"> <li>- <i>Review of SEAC Calendar</i></li> <li>- <i>S.O. Updates</i></li> <li>- <i>Representation sought for Mental Health and Safe Schools Committees</i></li> <li>- <i>Review of Special Education Plan – Model for Special Education, Transportation, Definitions of Exceptionalities</i></li> <li>- <i>Review of Special Education Plan – Transportation</i></li> <li>- <i>Review of Special Education Plan – Categories and Definitions of Exceptionalities</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>EQAO Preliminary Results for Gr. 3 and 6 and OSSLT</i></li> <li>- <i>Reports on Student Numbers of Elementary and Secondary School Students to be submitted the Ministry of Education</i></li> <li>- <i>Engagement and Governance Supports Discussion Guide</i></li> </ul>
November	<ul style="list-style-type: none"> <li>- <i>Review of SEAC Calendar</i></li> <li>- <i>S.O. Updates</i></li> <li>- <i>AFSE Report: Exceptionality Frameworks-Goals &amp; Outcomes, EQAO Student Achievement Data (for various exceptionalities as appropriate)</i></li> <li>- <i>Continue to Review elements of the Special Education Plan</i></li> <li>- <i>Engagement and Governance Supports Discussion</i></li> <li>- <i>Professional Learning Plan</i></li> <li>- <i>Mental Health Annual Report</i></li> </ul>	<ul style="list-style-type: none"> <li>- <i>EQAO Results for Gr. 3, 6, 9 (math), and Gr. 10 (OSSLT)</i></li> <li>- <i>Engagement and Governance Supports Discussion Guide</i></li> <li>- <i>ONSIS report on identified students</i></li> <li>- <i>Year End for School Board Financial Statements</i></li> </ul>
December	<ul style="list-style-type: none"> <li>- <i>Review of SEAC Calendar</i></li> <li>- <i>S.O. Updates</i></li> <li>- <i>SEAC Elections</i></li> <li>- <i>SEAC Mass and Social</i></li> </ul>	<i>Independent review of assessment and reporting</i>



## Special Education Superintendent Update March 2019

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**March** IS  
**Easter Seals Month**  
Fundraising and Awareness  
for kids with physical disabilities



**WE INVITE FAMILIES AND STAFF TO OUR  
9TH ANNUAL  
AUTISM AWARENESS EVENING**

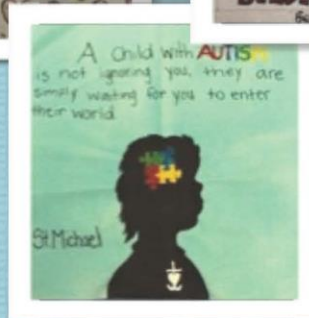
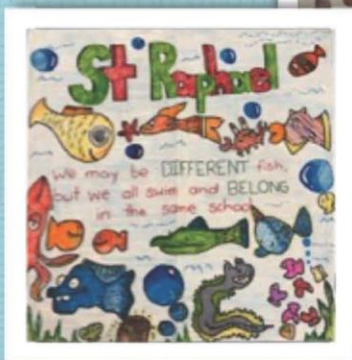
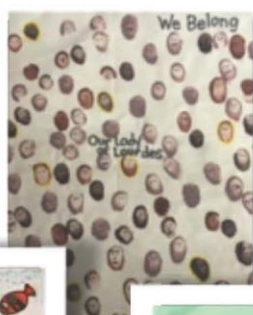
**WE BELONG**

**A Special Mass Celebration**

**7:00 PM**

Student Artwork on display ~ Refreshments & Light Snacks to follow

**APRIL  
2**  
6:30PM-9:00PM



**Catholic Education Centre**

80 Sheppard Avenue East, 2nd floor  
Free underground parking & TTC nearby

Please RSVP to Franca Dellorso at  
[franca.dellorso@tcdsb.org](mailto:franca.dellorso@tcdsb.org)  
or 416-222-8282 ext.2799







Please join us for

## World Autism Awareness Day Flag Raising Event at the CEC

on

**Tuesday, April 2<sup>nd</sup> at 10:00 a.m.**

The morning events will include a Flag Raising Ceremony, Prayer, Photo-Op, Break-out activities and light refreshments

**All are welcome!**



TCDSB DEAF/HARD  
OF HEARING  
30<sup>TH</sup> ANNUAL FAMILY  
PICNIC



Friday, May 24<sup>th</sup>, 2019  
10 am – 2 pm



**Save the Date**

**new location**

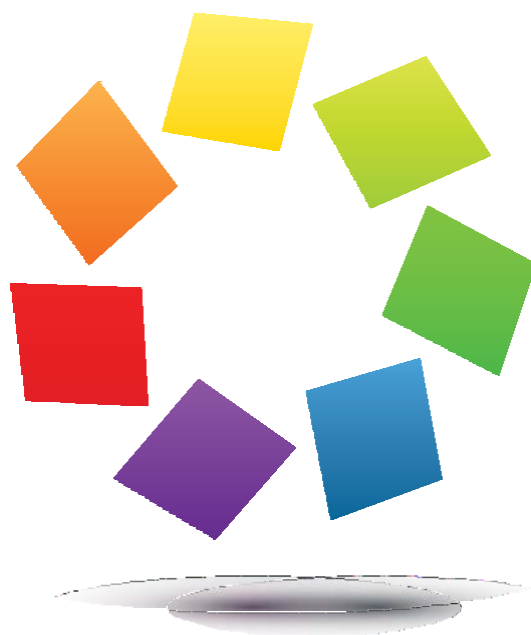
St. Kateri Tekakwitha  
Catholic School  
70 Margaret Avenue,  
North York, M2J 4C5



FOR MORE INFORMATION CONTACT D/HH DEPARTMENT  
416 393-5405 email: [deaf.dhh@tcdsb.org](mailto:deaf.dhh@tcdsb.org)

# **A policy primer:**

## **Guide to developing human rights policies and procedures**



Approved by the Ontario Human Rights  
Commission: June 19, 1996  
Revised by the OHRC: December 2013  
Available in various accessible formats

Disponible en français

ISBN: 978-1-4606-3406-6 (Print)  
978-1-4606-3407-3 (PDF)  
978-1-4606-3408-0 (HTML)



**Ontario  
Human Rights Commission**  
**Commission ontarienne des  
droits de la personne**



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## 1. Introduction

The Ontario *Human Rights Code* (the *Code*) states that it is public policy in Ontario to recognize the dignity and worth of every person and to provide equal rights and opportunities without discrimination. The aim is to create a climate of understanding and mutual respect for the dignity and worth of each person, so that each person feels a part of and able to contribute to the community.

The purpose of this guide is to provide organizations with some practical help for developing effective and fair ways to prevent human rights infringements, and for responding to human rights issues such as harassment, discrimination and accommodation needs. Employers, landlords and service providers all have an obligation to make sure that human rights are respected, and can all benefit from the information provided in this publication.

Each organization differs in its needs, constraints, structures, culture and resources. There is no “one size fits all” way to prevent and address discrimination and harassment. Large organizations will have different needs and capacities than small; a housing provider will have a different focus than an employer. This guide provides ideas and advice, but each organization will need to tailor its approaches.

The Ontario Human Rights Commission (OHRC) has developed policies and guides on many specific human rights issues, such as racism and racial discrimination, sexual and gender-based harassment, disability accommodation, pregnancy and breastfeeding, age discrimination, gender identity, sexual orientation and family status. This guide does not try to replicate the issues covered in these policies. It focuses on organizational policies and procedures instead of on identifying specific human rights issues and standards. We encourage you to carefully review OHRC policies and guidelines that are relevant to you, to develop an understanding of your human rights obligations and to help you identify potential barriers and issues specific to your situation.

### How to use this guide

This guide includes a discussion of each of the key things to consider when developing human rights policies and procedures. It also includes sample language that you can modify to meet your organization’s needs and focus – just look for the indented sections.

## 2. Organizational responsibility for preventing and addressing human rights issues

### A. Why develop positive practices?

Respect for human rights, human dignity and equality is a core value in Canadian society, and a cornerstone of public policy. The courts recognize that human rights legislation has a unique importance, and is considered “quasi-constitutional.” Every Ontarian has an interest in creating a society where human rights are respected, and everyone has the opportunity to equally take part and contribute.

Most importantly, respect for human rights is the law. Under the *Code*, employers, unions, landlords and service providers must make sure that they provide inclusive and non-discriminatory environments. Harassment and discrimination are a violation of the law, and organizations that fail to take adequate steps to prevent and address harassment and discrimination may be held liable.

Preventing and addressing human rights violations also makes good sense. Housing providers, employers, unions and service providers benefit from creating and maintaining environments that are inclusive, diverse and free of discrimination.

Employers benefit when they can attract and retain the best employees, and maximize the potential and the performance of those employees. Discriminatory policies and programs may prevent employers from attracting, recruiting and promoting good employees, and can result in employee frustration, burnout and turnover. Workplace harassment creates conflict between employees, lowers productivity, and can result in the loss of valued workers. A workplace that respects human rights is likely one with fewer conflicts between employees, and higher levels of employee loyalty.<sup>1</sup>

Service providers benefit when they are better able to attract and serve a wide range of customers, and when they have the capacity to respond to diverse needs. For example, service providers with diverse a workforce may be able to reach out to a wider range of potential clients. Similarly, housing providers who respect human rights will benefit from the ability to attract and retain good tenants, and to prevent conflict between tenants.

When ignored or poorly handled, human rights issues can lead to human rights complaints, workers' compensation claims, grievances under collective agreements, wrongful dismissal claims, prosecutions under the *Occupational Health and Safety Act*, or Director's orders and administrative orders under the *Accessibility for Ontarians with Disabilities Act*. All organizations can benefit from avoiding the costs in time, money, reputation and morale associated with such claims. Human rights complaints can negatively affect an organization's image and relationships with the community. A commitment to human rights and diversity can greatly enhance community relationships.

## B. Legal obligations<sup>2</sup>

### 1. General principles

Under the *Code*, employers, service providers and housing providers have the ultimate responsibility for ensuring a healthy and inclusive environment, and for preventing and addressing discrimination and harassment. They must make sure their organizations are free from discriminatory or harassing behaviour.

An organization can be held responsible for discrimination even if it is done indirectly. For example, an employer that authorizes an employment agency to discriminate on its behalf can be found liable for discrimination.

Discrimination does not have to be intentional. For example, an organization may have a policy that appears to be neutral, but may be discriminatory because it has a negative impact on persons identified by a *Code* ground. An organization may also be found to have discriminated where its efforts to accommodate or afford equal treatment simply fall short of the mark, despite good intentions.

Organizations also violate the *Code* if they authorize, condone, adopt or ratify behaviour that is contrary to the *Code*. To condone or further discrimination that has already happened perpetuates the discriminatory action.

Organizations have an obligation to be aware of whether their policies, practices and programs are having an adverse impact or result in systemic discrimination based on a *Code* ground. Whether or not a formal complaint has been made, organizations must acknowledge and address potential human rights issues.

Organizations that do not take steps to prevent or address discrimination or harassment may face serious consequences. Human rights decisions are full of findings of liability and assessments of damages that are based on, or aggravated by, an organization's failure to appropriately address discrimination and harassment.<sup>3</sup> An important factor in assessing liability or damages is the presence or absence of appropriate policies and procedures for preventing and responding to discrimination and harassment.<sup>4</sup>

An organization may respond to complaints about individual instances of discrimination or harassment, but it may still be found to have failed to respond appropriately if the underlying problem is not resolved.<sup>5</sup> There may be a poisoned environment, or an organizational culture that excludes or marginalizes people based on a *Code* ground. In these cases, the organization should take further steps to address the problem, such as training and education, or reviewing and removing barriers.

Unions, professional organizations and vocational associations are responsible for making sure they do not engage in harassing or discriminatory behaviour against their members or prospective members. They are also responsible for ensuring they are not causing or contributing to discrimination in the workplace. A union may be held jointly liable with an employer where it has contributed towards discriminatory workplace policies or actions – for example, by negotiating discriminatory terms in a collective agreement, or blocking an appropriate accommodation, or failing to take steps to address a harassing or poisoned workplace.

## 2. Organizational liability for the actions of employees

Under section 46.3(1) of the *Code*, a corporation, trade union or occupational association, unincorporated association or employers' organization will be held responsible for discrimination, including acts or omissions, committed by officers, officials, employees or agents in the course of their employment. This is known as vicarious liability. Simply put, an organization is responsible for discrimination that occurs through the acts of its employees or agents, whether or not it had any knowledge of, participation in or control over these actions.

Vicarious liability does not apply to breaches of the sections of the *Code* dealing with harassment.<sup>6</sup> However, since the existence of a poisoned environment is a form of discrimination, when harassment amounts to or results in a poisoned environment, the concept of vicarious liability applies.

In these cases, the “organic theory of corporate liability” may apply. That is, an organization may be liable for acts of harassment carried out by its employees if it can be proven that management was aware of the harassment, or the harasser is shown to be part of the management or “directing mind” of the organization.<sup>7</sup> In summary, the decisions, acts, or omissions of the employee will engage the liability of the organization in harassment cases where:

- The employee who is part of the “directing mind” engages in harassment or inappropriate behaviour that is contrary to the *Code*; or
- The employee who is part of the “directing mind” does not respond adequately to harassment or inappropriate behaviour they are aware of, or ought reasonably to be aware of.

Generally speaking, managers and central decision-makers in an organization are part of the “directing mind.” Employees with only supervisory authority may also be part of the “directing mind” if they function, or are seen to function, as representatives of the organization. Even non-supervisors may be considered to be part of the “directing mind” if they have *de facto* supervisory authority or have significant responsibility for guiding employees.<sup>8</sup> For example, a member of the bargaining unit who is a lead hand may be considered to be part of an organization’s “directing mind.”



### 3. Developing organizational policies, programs and procedures

A complete strategy to prevent and address human rights issues should include:

1. A plan for preventing, reviewing and removing barriers
2. Anti-harassment and anti-discrimination policies
3. An internal complaints procedure
4. An accommodation policy and procedure
5. An education and training program.

An effective strategy will combine *all* of these elements. For example, while it is an essential part of any human rights strategy, an education and training program on its own will not remove underlying systemic barriers. On the other hand, without education and training, it will be difficult to ensure organizational support for, and compliance with, human rights policies, programs and procedures.

No strategy will be effective without strong, visible and ongoing commitment from the senior levels of the organization.

It is helpful when designing any human rights plan, policy or procedure, to get input from all parts of the organization. For example, input from employees will be invaluable in developing and implementing workplace anti-harassment and anti-discrimination policies, plans or procedures. In a unionized workplace, the union should be a key partner in developing and implementing any human rights strategies. Housing providers may wish to consult tenants, and service providers to seek the views of their clients.

In some cases it would also be wise, where feasible, to seek advice or input from community organizations representing certain groups such as racialized persons, women, people with disabilities, etc. For example, public service organizations that are dealing with complex or systemic barriers may wish to consult with the community when identifying strategies and best practices. This step will help identify issues and effective solutions, and will also increase buy-in and commitment to the policy, plan or procedure.

Policies, plans and procedures must consider the size, complexity, and culture of an organization.<sup>9</sup> For example, the complaints procedure for a small organization will probably be simpler than that for a large, multi-site, unionized organization.

Sound communication strategies are essential to the success of any human rights plan, policy or procedure. Employees, tenants or customers must clearly understand the content of the strategy and their rights and responsibilities, why the strategy was developed and how it will be implemented. Information should be readily accessible and easy to understand.

Identify and address issues or factors that may cause opposition or resistance to the strategy. It is important to regularly remind existing employees, tenants and clients about organizational human rights policies and procedures, as well as to ensure that individuals who are new to the organization receive orientation and training.

All policies, plans and procedures require regular review and revision to make sure they:

- Reflect the current state of human rights law and policy
- Take into account changes in organizational structures or resources
- Address new human rights issues emerging within the organization
- Continue to be effective.

Organizations may want to seek assistance from lawyers or other experts in developing policies, procedures or education programs that will effectively meet their needs. The more complex the organization or the human rights issues, the more likely it will be advisable to seek specialized assistance.

## 4. Preventing, reviewing and removing barriers

The Supreme Court of Canada has made it clear that society must be designed to include all people, including members of a *Code*-protected group.<sup>10</sup> It is no longer acceptable to structure systems in a way that ignores needs or barriers related to *Code* grounds. Instead, systems should be designed so they do not create physical, attitudinal or systemic barriers. Whenever an organization is constructing new buildings, launching new websites, setting up new policies and procedures, offering new services, or buying new equipment, design choices should be made that do not create barriers for persons identified by *Code* grounds. This means that organizations should take a proactive approach and incorporate a human rights mindset into all that they do.

In addition, where systems and structures already exist, organizations should be aware of the possibility of systemic barriers, and actively seek to identify and remove them. Where barriers have been identified, organizations must remove them rather than making “one-off” accommodations.

### A. Barrier review

Barrier review is a large and complex subject and can only be discussed briefly here. The steps for reviewing barriers will differ depending on the size, nature and complexity of the organization, and on whether the review is focussing on service, employment or housing barriers.

A barrier review should include looking at:

1. **Physical accessibility:** Review physical premises to identify barriers preventing equal access for persons with disabilities, including persons with sensory, environmental or intellectual disabilities.<sup>11</sup> While the Ontario Building Code sets out minimum standards for accessibility, compliance with requirements in effect at the time of construction or renovation is no guarantee that the physical environment meets the standards required by the *Human Rights Code*. The *Code* has primacy over the Building Code – which means it takes precedence – and compliance with the Building Code is no defence to a claim of discrimination under the *Human Rights Code*.<sup>12</sup>
2. **Organizational policies, practices and decision-making processes:** These may be either formal or informal. For example, in the area of employment, policies and practices on recruitment, selection, compensation, training, promotion and termination may contain barriers to people based on *Code* grounds.<sup>13</sup> A frequent barrier is the lack of formal policies and practices, which can allow subjective considerations and differing standards to be applied. The OHRC's policies on specific *Code* grounds and social areas provide examples of frequently encountered barriers.
3. **Organizational culture:** Organizational culture includes shared patterns of informal social behaviour, such as communication, decision-making and interpersonal relationships. These practices are the evidence of deeply held and largely unconscious values, assumptions and behavioural norms. An organizational culture that is not inclusive can marginalize or exclude persons identified by *Code* grounds.

## B. Barrier removal plans

Once barriers to inclusion have been identified, organizations should develop plans to remove them. Plans should:

- Set specific, measurable goals for removing identified barriers
- Create clear timelines for achieving these goals
- Allocate adequate resources to meet these goals
- Ensure accountability and responsibility for meeting goals
- Include a mechanism for regularly reviewing and evaluating progress towards the identified goals.

## 5. Anti-harassment and anti-discrimination policies

### A. Description and rationale

Anti-harassment and anti-discrimination policies make it clear that harassment and discrimination will not be tolerated, and set standards and expectations for behaviour. An anti-harassment or anti-discrimination policy should describe the types of behaviour that are discriminatory or harassing, and send the message

that these issues are taken seriously. The policy should also set out roles and responsibilities. These human rights policies should be linked to existing organizational policies and integrated into the way the organization operates on a daily basis.

## B. Considerations

Harassment is a specific form of discrimination. Because harassment raises unique issues, some organizations have separate policies for harassment and for other forms of discrimination.

As well, because harassment and discrimination related to the various *Code* grounds often manifest themselves differently, some organizations have specific policies related to discrimination and/or harassment based on sexual orientation, race and race-related grounds, sex, gender identity and gender expression, etc.<sup>14</sup>

Anti-harassment and anti-discrimination policies set out expectations and standards, while complaint procedures set out how potential violations of these policies will be addressed. Many organizations choose to combine their anti-harassment/anti-discrimination policies and procedures into a single document.

In addition, organizations can develop a policy on competing rights to address situations where rights in the workplace may come into conflict. This policy can be part of broader anti-discrimination/anti-harassment policies or a separate document. The OHRC's *Policy on competing rights* provides guidance as to what this type of organizational policy should contain.

## C. Elements

**Note:** *The sample wording provided in the sections below relates to employment, but can be modified to address housing or services. The sample wording is provided **only** as an example. There is no single best policy or procedure. You will **always** need to review policies and procedures to make sure they comply with current human rights law and policy and are appropriate for your organization.*

### 1. Organization commitment

A policy should contain a clear statement of the organization's commitment to creating and maintaining respect for human rights, and fostering equality and inclusion.

XYZ Organization is committed to providing an environment free of discrimination and harassment, where all individuals are treated with respect and dignity, can contribute fully and have equal opportunities.

Under the Ontario *Human Rights Code*, every person has the right to be free from harassment and discrimination. Harassment and discrimination will not be tolerated, condoned or ignored at XYZ Organization. If a claim of harassment or discrimination is proven, disciplinary measures will be applied, up to and including termination of employment.

XYZ Organization is committed to a comprehensive strategy to address harassment and discrimination, including:

- providing training and education to make sure everyone knows their rights and responsibilities
- regularly monitoring organizational systems for barriers relating to *Code* grounds
- providing an effective and fair complaints procedure
- promoting appropriate standards of conduct at all times.

## 2. Policy objectives

The policy should set out its objectives, such as promoting human rights within the organization, preventing harassment and discrimination, and defining principles and standards for behaviour.

### **The objectives of this Policy are to:**

- Make sure that members, clients and associates of XYZ Organization are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization, as well as being a violation of the law
- Set out the types of behaviour that may be considered offensive and are prohibited by this policy.

## 3. Applying the policy

The policy should set out the activities involved and who it applies to. In employment, for example, *Code* protections have been interpreted broadly, to include temporary, casual and contract staff, as well as volunteers. Employees are protected against harassment and discrimination by co-workers, management and superiors – and they are also protected from the actions of others who enter the employment context, such as suppliers or clients. Employees may be protected while off the work site, or outside of normal working hours, where activities are connected to the workplace. Because employees are entitled to work in an environment free of harassment and discrimination from clients, suppliers or others who enter the employment context, publicly post the policy or make it available to visitors.

The *Code* also requires organizations to avoid harassment and discrimination in the services they offer to the public. This includes dealings with customers, potential customers and business associates such as suppliers.

In rental housing, the right to be free from harassment applies both to tenants and applicants. Landlords may be held liable if they do not take steps to ensure that tenants are protected from harassment by other tenants, or by people visiting the premises, such as maintenance and other support staff.

The right to freedom from discrimination and harassment extends to all employees, including full-time, part-time, temporary, probationary, casual and contract staff, as well as volunteers, co-op students, interns and apprentices.

It is also unacceptable for members of XYZ Organization to engage in harassment or discrimination when dealing with clients, or with others they have professional dealings with, such as suppliers or service providers.

This policy applies at every level of the organization and to every aspect of the workplace environment and employment relationship, including recruitment, selection, promotion, transfers, training, salaries, benefits and termination. It also covers rates of pay, overtime, hours of work, holidays, shift work, discipline and performance evaluations.

This policy also applies to events that occur outside of the physical workplace such as during business trips or company parties.

#### **4. List and explain protected grounds**

The *Human Rights Code* prohibits discrimination in five parts of society, called “social areas” – employment, housing, services, contracts and membership in trade, vocational and professional associations. Protection is offered based on 17 grounds (see below). In your policy, set out the applicable *Code* grounds, together with definitions where necessary. Note that the *Code* grounds vary somewhat, depending on the social area involved. The ground of “record of offences” applies only in the social area of employment, while the ground of “receipt of public assistance” applies only in housing.

While the *Code* prohibits discrimination because of pregnancy under the ground of sex, it may be helpful for policies to explicitly identify discrimination and harassment based on pregnancy, as many are unaware of this *Code* protection.

The policy can also note that people may experience discrimination and harassment based on the intersection of multiple grounds of discrimination (intersectionality). For example, a person who experiences harassment because she is a Muslim woman can file a complaint based on both sex and creed.

Organizations may choose to extend protection beyond that mandated by the *Code*. For example, some organizations prohibit any form of psychological harassment, or discrimination and harassment based on political opinion.

This policy prohibits discrimination or harassment based on the following grounds, and any combination of these grounds:

- Age
- Creed (religion)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation
- Gender identity
- Gender expression
- Family status (such as being in a parent-child relationship)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Disability (including mental, physical, developmental or learning disabilities)
- Race
- Ancestry
- Place of origin
- Ethnic origin
- Citizenship
- Colour
- Record of offences (criminal conviction for a provincial offence, or for an offence for which a pardon has been received)
- Association or relationship with a person identified by one of the above grounds
- Perception that one of the above grounds applies.

## 5. Define key concepts

Define key concepts, consistent with human rights law and policy. Offer examples to clarify the concepts.

It may be helpful to provide definitions of related concepts, such as racism, heterosexism, ageism, etc., and to outline common manifestations of discrimination related to specific *Code* grounds. Consult the relevant OHRC policies for more information.

It is important to note that people experiencing harassment may not outwardly object to the harassing comments or conduct. People may feel unable to object. For example, they may be in a vulnerable situation and be afraid of the consequences of speaking out. It doesn't matter if someone voices objections or not to the person making the unwelcome comments – they can still make a complaint and the behaviour can still be found to be harassment.

**The following behaviour is prohibited:**

**Discrimination:** means any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people. Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, that is a violation of this policy.

**Harassment:** means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the grounds of discrimination.

**Examples of harassment include:**

- Epithets, remarks, jokes or innuendos related to a person's race, gender identity, gender expression, sex, disability, sexual orientation, creed, age, or any other ground
- Posting or circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means
- Singling out a person for humiliating or demeaning "teasing" or jokes because they are a member of a *Code*-protected group
- Comments ridiculing a person because of characteristics that are related to a ground of discrimination. For example, this could include comments about a person's dress, speech or other practices that may be related to their sex, race, gender identity or creed.

If a person does not explicitly object to harassing behaviour, or appears to be going along with it, this does not mean that the behaviour is okay. The behaviour could still be considered harassment under the *Code*.

**Sexual and gender-based harassment:** sexual harassment is a form of harassment that can include:

- Gender-related comments about a person's physical characteristics or mannerisms
- Paternalism based on gender which a person feels undermines his or her self respect or position of responsibility
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, threats or taunting
- Leering or inappropriate staring



- Bragging about sexual prowess or questions or discussions about sexual activities
- Offensive jokes or comments of a sexual nature about an employee or client
- Rough and vulgar humour or language related to gender
- Display of sexually offensive pictures, graffiti or other materials including through electronic means
- Demands for dates or sexual favours.

**Sexual Solicitation:** this policy prohibits sexual solicitations or advances by any person who is in a position to grant or deny a benefit to the recipient of the solicitation or advance. This includes managers and supervisors, as well as co-workers where one person is in a position to grant or deny a benefit to the other. Reprisals for rejecting such advances or solicitations are also not allowed.

**Poisoned environment:** a poisoned environment is created by comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of management) that create a discriminatory work environment. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status. A single comment or action, if sufficiently serious, may create a poisoned environment.

## 6. Roles and responsibilities

Set out the roles and responsibilities of the various parties present in the organization.

All persons present in XYZ organization are expected to uphold and abide by this policy, by refraining from any form of harassment or discrimination, and by cooperating fully in any investigation of a harassment or discrimination complaint.

Managers and supervisors have the additional responsibility to act immediately on observations or allegations of harassment or discrimination. Managers and supervisors are responsible for creating and maintaining a harassment- and discrimination-free organization, and should address potential problems before they become serious.

## 6. Procedures for resolving complaints

### A. Description and rationale

The objective of a complaint resolution mechanism is to ensure that human rights issues are brought to the attention of the organization and are appropriately dealt with. A complaint resolution procedure should set out a clear, fair and effective mechanism for receiving and resolving complaints of discrimination and harassment.<sup>15</sup>

### B. Considerations

Designing and implementing complaint mechanisms can affect an organization's liability for discrimination and harassment.

At minimum:

- Complaints must be taken seriously
- They must be acted upon promptly when received
- Appropriate resources must be applied to resolve complaints
- A viable complaint mechanism must be in place and have been communicated throughout the organization
- The complaint procedure must ensure a healthy work environment is created and maintained for the complainant
- Decisions and actions taken by the organization must be communicated to the parties.<sup>16</sup>

These objectives may be met in a variety of ways. Some organizations will adopt very formal mechanisms; others may opt for a simpler approach. There is no one perfect complaint mechanism – each organization must tailor its own approach, taking into account factors such as its mandate, size, resources and culture.

### C. Elements

**Note:** *The sample wording provided in the sections below relates to employment, but can be modified to address housing or services. The sample wording is provided **only** as an example. There is no single best policy or procedure. You will **always** need to review policies and procedures to make sure they comply with current human rights law and policy and are appropriate for your organization.*

#### 1. Access to information and advice

People who believe they may have witnessed or been subjected to discrimination or harassment, as well as people who are the subject of a complaint of discrimination or harassment, may benefit from having access to expert advice and information about the policy and procedures, as well as on harassment and discrimination in general. Ideally, the advisor will be a neutral expert in the areas

of harassment and discrimination, who can explain the various options for dealing with human rights issues. This advisor should be separate from the person designated to receive and investigate complaints, and should not act as an advocate, either for the organization or for the person seeking advice. It is important that the advisor not be liable to pressure from the organization to divert or suppress complaints.

The advisor must make sure that all information is kept in the strictest of confidence, unless required to disclose the information under a legal obligation.

The procedure may describe how advisors will be selected, and specify that advisors will receive appropriate education and institutional support.

XYZ Organization will appoint a neutral and expert Human Rights Advisor, who will provide information about human rights and this policy and procedure to any person who is concerned about possible harassment or discrimination within the organization. The Advisor will not act as an advocate for any person and will not provide legal advice, and will maintain the confidentiality of communications with him or her, unless required to disclose information under a legal obligation.

## **2. Access to Code mechanisms**

It is important to make it clear to employees that having an internal complaint resolution procedure in place does not in any way stop a person from seeking redress under the mechanism set out in the *Human Rights Code*, if she or he wants to. Tell people about the time limits for seeking redress under the *Code*.<sup>17</sup> Employees may also have rights under collective agreements that will give them other choices for dealing with a problem.

The provisions of this policy and procedure in no way affect the right of any person to exercise his or her rights under the Ontario *Human Rights Code*, within the time limits specified by that legislation.

## **3. Making a complaint**

Some complaint mechanisms permit complaints from any person who believes he or she has witnessed harassment or discrimination. Other mechanisms restrict complaints to people who believe they have been subjected to harassment or discrimination.

Complaint procedures may differentiate between “formal” and “informal” processes. Informal processes seek to resolve human rights issues without investigating or assessing the merits of the allegations (for example, by facilitating communication between the people involved). This type of informal

process is generally not appropriate where there are serious or systemic allegations. If an informal process is used, it must still be clear that the complaint will be taken seriously and addressed by the people who are responsible.

The procedure should set out forms and processes for making a complaint. However, organizations should address complaints whether or not they are in the requested format.

Since there may be power imbalances at play, or the potential complainant may fear reprisal, or there may be safety issues, do not require complainants to address the matter directly with the potential respondent before using the complaint mechanism.

In some cases, you may have to take temporary steps while the investigation or dispute resolution is proceeding, to safeguard the environment of the complainant. For example, it may be necessary to limit contacts between the respondent and the complainant. Make sure that the steps taken do not penalize the complainant for making the complaint. Treat any concerns about the complainant's safety with the utmost seriousness.

Complainants are encouraged to explain to the person who is harassing or discriminating against them that the conduct is unwelcome, but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the harassment or discrimination, or to safety risks, complainants should not be expected to have to directly interact with that person. If a complainant feels they can safely make it known to the person responsible that the behaviour is unwelcome, of course this may resolve the matter, or may help them later if they make a complaint. However, the complainant should never feel obliged to address their harasser against their better judgement.

If the situation cannot be resolved by speaking to the person responsible, a complaint may be made by speaking to either: (1) the manager, or (2) the Manager of Human Resources.

Where possible, the complaint should be made in writing, including details of:

- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Who saw it happen – the names of any witnesses, if any.

The person receiving the complaint will notify the person(s) complained against (the respondent(s)) of the complaint and provide the respondent(s) with a copy of the written complaint.

If necessary, the complainant or the respondent will be placed on a paid leave of absence, moved to a different location within the organization, or provided with alternative reporting relationships. The decision will be made on a case-by-case basis, and will reflect the principle that the complainant will not be penalized for making the complaint.

#### **4. Reprisal**

Persons who make a complaint, as well as anyone else who is involved, should not face negative consequences for taking part in the complaint process. In other words, they should be free from "reprisal." Protection under the *Code* from reprisal covers:

1. Complainants
2. Witnesses
3. Advisors
4. Representatives of complainants and witnesses
5. Investigators
6. Decision makers/management.

A person who believes that he or she has been subjected to reprisal should be able to file a complaint under the procedure.

Every person has a right to claim and enforce their right to a workplace free of harassment and discrimination. No person shall be negatively treated for bringing forward a complaint, providing information related to a complaint, or helping to resolve a complaint. It is a violation of XYZ Organization policy to discipline or punish a person because he or she has brought forward a complaint, provided information related to a complaint, or otherwise been involved in the complaint resolution process. Reprisal may be the subject of a complaint under this procedure, and persons engaging in reprisal are subject to disciplinary measures, up to and including termination of employment.

#### **5. Dispute resolution**

When developing complaint procedures, it is a good idea to use Alternative Dispute Resolution (ADR) as part of a "best practices" approach.

ADR can provide a means of resolving a situation at any stage during the complaint process.<sup>18</sup>

ADR can be a simple, informal procedure using a peer review panel or other trained internal employee. However, the sensitivity of human rights complaints from both an employer/organizational and employee perspective, coupled with the need for strict confidentiality, suggest that a more formalized type of ADR might be more appropriate.

A mediator is a neutral third party who acts as a facilitator to help the parties reach a negotiated settlement that both parties agree to. ADR can take the form of internal or external mediation, depending on whether persons with the needed skills, expertise and neutrality are available within the organization.

It is generally good practice for mediation to be separate from the investigation process. Parties may find it easier to speak freely and reach agreement if information from the mediation process is kept separate from any investigation process.

It is important to recognize that ADR will not be appropriate in all cases – for example, in situations where there are significant power imbalances. The OHRC recommends that ADR be offered as a voluntary option.

Where appropriate, the person receiving the complaint will offer the parties an opportunity to mediate the complaint. No person will be required to undertake mediation. Mediation will be conducted by a neutral and expert third-party mediator. Mediation may take place at any stage during the complaint process.

## **6. Appointing an investigator**

The organization must take steps to investigate the circumstances of a complaint. The person selected to do the investigation should be independent and objective. Wherever possible, the investigator should not be in a position of direct authority over any of the people involved in a complaint, but should report to someone with the authority to make decisions and have them enforced.

An investigation may be conducted by a member of the organization, or by someone external. An investigation should not be carried out by anyone who is seen as taking sides with either party. For example, it is not very likely that a lawyer who often represents management in labour disputes will be seen as “objective” by non-management employees. Similarly, a human resources manager who is normally involved in discipline and termination decisions may not be seen as independent. Also, the investigator should not be someone in a position to have any power or influence over the career progress of either of the parties.

Persons conducting investigations must be knowledgeable about:

1. Human rights issues and principles in general
2. The requirements of the *Code*
3. The organization’s anti-harassment/anti-discrimination policy and complaints procedure
4. Methods for conducting investigations.

Similar considerations apply to any person whose role is to mediate or conciliate a complaint.

Where mediation is not appropriate or is not successful, the person receiving the complaint will refer the complaint to an expert external investigator.

## **7. Representation**

The people involved in an internal complaint resolution process should be allowed to have someone represent them if they wish, whether during mediation or investigation. Representatives may include union stewards or a colleague.

Complainants and respondents are entitled to seek representation of their choice, including legal counsel, during the complaints process, at their own expense.

## **8. Documentation**

For everyone involved in the process, it is important to make and keep written notes about the events leading to the complaint. These details should include:

1. What happened – a description of the events or situation
2. When it happened – dates and times of the events or incidents
3. Where it happened
4. Who saw it happen – the names of any witnesses, if any.

As well, gather any other documents or materials that may have something to do with the complaint, such as letters, notes, offensive pictures, *etc.* Note that allegations of systemic discrimination may require organizations to gather a broad range of documents (for example, you may need to gather and maintain demographic information related to the organization).

Documentation related to the investigation should be collected and preserved. This includes witness interviews, notes of meetings, evidence gathered, any investigation report, and documentation on the outcome of the investigation. Safeguard these documents at least until the conclusion of any human rights proceedings or of limitation periods related to human rights proceedings.

Every person who believes he or she has experienced harassment or discrimination, as well as every person who has been notified of a complaint against them, is advised to create and keep written notes about the events at issue, and to maintain any relevant written documentation.

## **9. Confidentiality and privacy**

It may be very difficult to bring forward a complaint of harassment or discrimination. Protecting confidentiality and privacy is important, both to the person bringing forward the complaint, and the person(s) the complaint is made against.

Only share information about the complaint with people who need to know about it. For example, the person the complaint is against will need to know about the particulars of the complaint to respond to it. Witnesses will need some information about the incidents they are said to have been involved in or allegations they have knowledge of.

Investigators, mediators, advisors and any other persons involved with the complaints process should protect confidentiality and privacy, and maintain the security of all documents related to complaints, including contents of meetings, interviews and investigation reports.

Advisors, investigators, mediators and persons receiving complaints will, to the extent possible, protect the confidentiality and privacy of persons involved in a complaint, subject to the requirements of a fair investigation and resolution process.

All documents related to a complaint, including the written complaint, witness statements, investigation notes and reports, and documents related to the complaint, will be securely maintained by the Human Resources Department, separate from personnel files.

## **10. Investigation processes**

The investigation of the complainant must be impartial, timely, fair, and address all relevant issues.

The investigator should thoroughly interview both the complainant and the person(s) alleged to have engaged in harassment or discrimination against the complainant. The respondents should be given the opportunity to respond to each of the specific allegations raised by the complainant. The investigator should also interview any relevant witnesses identified by either the complainant or the respondent(s), and gather any relevant documents. Proper notes should be taken during interviews.

The investigator should prepare a report summarizing the allegations, the steps taken during the investigation, and the evidence gathered. The report may make findings of fact and recommendations for further action, or these functions may be assigned elsewhere.



In most cases, investigations should start immediately after an investigator is chosen, and finish within a fixed time frame (for example, 90 days).

The investigator is responsible for ensuring a thorough, fair and impartial investigation of the allegations in the complaint. The investigator will interview the complainant, the respondent(s), and relevant witnesses suggested by the complainant or respondent(s), as well as gather documents relevant to the matters in the complaint.

All staff of the organization are required to cooperate with the investigator.

The investigator will, wherever possible, complete the investigation within 90 days of receiving the assignment.

At the conclusion of the investigation, the investigator will prepare a written report summarizing the allegations and the investigation results, and will forward the report to the Human Resources Manager.

## **11. Potential outcomes**

Based on the findings of the investigation and human rights law and policy, a decision must be made about whether the complaint is well-founded. If the complaint is well-founded, the organization must take steps to address the human rights violations and prevent future occurrences.

Human rights laws are preventive and remedial rather than punitive, and this should be reflected in the outcomes of substantiated complaints.

Where harassment or discrimination is found to have occurred, make sure that steps are taken to ensure that the complainant is, to the extent possible, “made whole” and the effects of the discrimination remedied.

Persons who violate the anti-discrimination/anti-harassment policy may face a range of consequences, including an apology, education, counselling, reprimands, suspension, transfer or termination of employment, depending on the nature and severity of the behaviour.

As well, consider whether the complaint (whether it is determined to be founded or unfounded) reveals any broader issues that the organization should address. The investigation may, for example, point to specific barriers in the workplace, a perception of systemic discrimination, or a need for further training on particular human rights issues. If so, take steps to remedy the problem.

Complainants should not be automatically penalized where a complaint is determined to be unfounded, as this may deter people from making valid complaints. There may be very rare cases, however, where there is objective

evidence to show that the complaint was maliciously filed, with deliberate intent to injure or mislead. Only where the evidence of malice in bringing a complaint is compelling and undeniable should disciplinary measures of any sort apply to complainants.

Based on the findings in the investigator's report, the Human Resources Manager will decide whether the policy has been violated.

If the policy has been violated, the Human Resources Manager will determine the appropriate consequences for the person(s) who violated the policy. These may include:

- An apology
- Counselling
- Education and training
- Verbal or written reprimand
- Suspension with pay
- Suspension without pay
- Transfer
- Termination of employment.

In determining the appropriate consequences, the Human Resources Manager will take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy.

Where a violation of the policy is found, the Human Resource Manager will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization.

The Human Resources Manager will be responsible for monitoring the outcome of the complaint.

## 12. Communication

The complainant and the respondent(s) must be apprised of the outcome of the investigation, and in particular, whether the policy was found to have been violated, and any actions that will be taken as a result.

The complainant and the respondent(s) will each be provided with a copy of the investigator's report, and with the Human Resources Manager's decision regarding outcomes.

Where a complainant is dissatisfied with the outcome of the complaint, he or she will be reminded of his or her rights under the Ontario *Human Rights Code*.

## 7. Accommodation policy and procedure

### A. Description and rationale

Under the *Code*, organizations are required to prevent and remove barriers and provide accommodation to the point of undue hardship. The principle of accommodation arises most frequently in the context of creed, family status, sex (pregnancy) and disability, as well as age, gender identity and gender expression.

Organizations, including their officers, managers, supervisors and union representatives, have a shared obligation to design for inclusion of persons identified by *Code* grounds, as well as to remove barriers and provide accommodation. Failure to fully explore accommodation options and to fulfil the duty to accommodate is a violation of the *Code*.

A clear and effective accommodation policy and procedure ensures that accommodation seekers feel comfortable raising their accommodation needs, and that accommodation requests are effectively dealt with.

While accommodation in most cases is straightforward and simple, it can sometimes be a lengthy and complex process. In any case, it is important that the accommodation process, as well as the accommodation itself, be effective and respect the dignity of accommodation seekers.<sup>19</sup> Both accommodation providers and people seeking accommodation benefit from clearly understanding their roles and responsibilities and the accommodation process. Clear, fair and comprehensive accommodation policies and procedures help organizations to meet their duty to deal fairly, thoroughly and effectively with accommodation requests.<sup>20</sup>

### B. Considerations

The standards and principles for accommodation are set out in the relevant OHRC policies and guidelines, such as:

- Policy and guidelines on disability and the duty to accommodate*
- Guidelines on accessible education*
- Policy and guidelines on discrimination on the basis of family status*
- Policy on creed and the accommodation of religious observances*
- Policy on discrimination because of pregnancy and breastfeeding*
- Policy on discrimination against older persons because of age*
- Policy on harassment and discrimination because of gender identity.*

Consult these documents for a fuller understanding of the standards and legal requirements of accommodation, and of accommodation issues related to particular *Code* grounds.

Note that some accommodations are very simple and straightforward, and do not require a formal or complex process.

The way an accommodation is provided and how it is implemented are subject to human rights standards. The principles of dignity, individualization, inclusion and full participation apply both to the substance of an accommodation, and to the accommodation process.

At the heart of the accommodation process is the responsibility, shared by all parties, to have a meaningful dialogue about accommodation, and to work together respectfully towards accommodation solutions. Everyone involved should co-operatively engage in the process, share information, and work towards potential accommodation solutions.

## C. Elements

**Note:** *The sample wording provided in the sections below relates to employment, but can be modified to address housing or services. The sample wording is provided **only** as an example. There is no single best policy or procedure. You will **always** need to review policies and procedures to make sure they comply with current human rights law and policy and are appropriate for your organization.*

### 1. Statement of commitment

An accommodation policy and procedure should include a clear statement of the organization's commitment to providing an environment that is inclusive and barrier-free, and to providing accommodation to the point of undue hardship.<sup>21</sup> Undue hardship takes into consideration cost, outside sources of funding and health and safety.

XYZ Organization is committed to providing an environment that is inclusive and that is free of barriers based on age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy) gender identity, gender expression, sexual orientation, record of offences, marital status, family status and disability. XYZ Organization commits to provide accommodation for needs related to the grounds of the Ontario *Human Rights Code*, unless to do so would cause undue hardship, as defined by the Ontario Human Rights Commission's *Policy on disability and the duty to accommodate*.

Accommodation will be provided in accordance with the principles of dignity, individualization and inclusion. XYZ Organization will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

## 2. Objectives of the policy and procedure

The policy and procedure should have clearly identified objectives.

The purpose of this Accommodation Policy and Procedure is to:

- Ensure that all members of the organization are aware of their rights and responsibilities under the Ontario *Human Rights Code* with respect to accommodation
- Set out in writing the organization's procedures for accommodation and the responsibilities of each of the parties to the accommodation process.

## 3. Applying the policy and procedure

The policy and procedure should set out the scope of its application.

Accommodation should be provided to existing employees, tenants or clients. It should also be provided to people applying for housing, employment or services. For example, job-seekers may need accommodation during the interview or screening process. Develop procedures to inform applicants of their right to accommodation for needs related to *Code* grounds, and to assure them that accommodation requests will not negatively affect the evaluation process. Similarly, in a service setting, prominently post accommodation policies and procedures in a place that customers have regular access to, so that clients are aware of and able to make use of the policy and procedure.

This policy and procedure applies to all employees, including full-time, part-time, temporary, casual and contract staff, as well as people who work to gain experience or for benefits, such as volunteers, co-op students, interns and apprentices. It also applies to people who are applying for employment with the organization.

It applies at all stages and to all aspects of the employment relationship, including recruitment and selection, promotions and transfers, and conditions of work such as hours of work and leaves of absence.

It applies to all organization locations.

All new and existing employees will be provided with a copy of this accommodation policy and procedure. All job applicants who are selected for an interview will be notified of the accommodation policy and procedure before the interview.

## 4. Requests for accommodation

It is very important to note that some people may be unable to disclose or communicate accommodation needs, due to the nature of their disability. For example, persons with some mental disabilities may be unaware of their accommodation needs, or may be reluctant to disclose them because of fear of

stigma and stereotypes. Organizations should offer assistance and accommodation to persons who are clearly unwell and in need of assistance, or who are perceived to have a disability, even where no accommodation request is made.

While it may be preferable that accommodation requests be made formally and in writing, take all accommodation requests seriously, regardless of the format of the request.

Make requests for accommodation to your manager.

Accommodation requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The *Code* ground the accommodation is being requested on
- The reason accommodation is required, including enough information to confirm the existence of a need for accommodation
- The specific needs related to the *Code* ground.

All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

## 5. Providing information

The parties to the accommodation process must share information about accommodation needs and potential solutions. In some cases, you may need to get expert opinions or information to confirm the need for accommodation, or to determine appropriate accommodations.

However, be careful to collect *only* information that is necessary. In some cases, the need for accommodation is obvious and there is no need for special documentation. For example, persons who use wheelchairs will have difficulty accessing buildings that are approached by steps, and pregnant employees will often need more frequent bathroom breaks. Even where some documentation is required, this does not justify a “fishing expedition.” For example, a request for adjustments to computer equipment related to diminishing eyesight would not usually justify a request to review the accommodation seeker’s complete medical file. A careful approach to collecting documentation protects the privacy of the accommodation seeker – and it protects the accommodation provider from potential complaints. All parties must exercise good faith in seeking and providing information.

The policy should address the question of *who* collects and keeps documentation related to accommodation requests, taking into account the nature and complexity of the accommodation request, the sensitivity of the information involved, and the organizational capacity. Where a workplace has a medical or human resources department, that department should be the custodian of an employee’s medical or personal information. If this is the case, these departments should communicate to an employee’s supervisor the duties the person can and cannot perform and not the details of the employee’s medical condition or personal situation.

The manager, Human Resources Manager or Medical Department may require more information related to the accommodation request, in the following circumstances:

- Where the accommodation request does not clearly indicate a need related to a *Code* ground
- Where more information on the employee's limitations or restrictions is needed to determine an appropriate accommodation
- Where there is a demonstrable objective reason to question the legitimacy of the person's request for accommodation.

Where expert assistance is needed to identify accommodation needs or potential solutions, the accommodation seeker is required to cooperate in obtaining that expert advice. Any costs associated with obtaining such expert advice will be borne by XYZ Organization.

Failure to respond to such requests for information may delay the provision of accommodation.

The Manager, Human Resources Department or Medical Department will maintain information related to:

- The accommodation request
- Any documentation provided by the accommodation seeker or by experts
- Notes from any meetings
- Any accommodation alternatives explored
- Any accommodations provided.

This information will be maintained in a secure location, separate from the accommodation seeker's personnel file, and will be shared only with persons who need the information.

## **6. Privacy and confidentiality**

Requests for accommodation may involve disclosing private or highly sensitive information. Ask people requesting accommodation only for information required to establish the foundation of the accommodation request, and to respond appropriately to the request. For people to feel comfortable making accommodation requests, they must feel confident that the information they provide will be treated confidentially, and shared only as needed for the accommodation process. It is generally advisable for employers to keep information about accommodation requests separate from the individual's regular personnel file.

The organization will maintain the confidentiality of information related to an accommodation request, and will only disclose this information with the consent of the employee or applicant.

## 7. Accommodation planning

The accommodation process is a shared responsibility, and everyone involved must work cooperatively, share information, and work towards potential accommodation solutions. It is in everyone's best interests that congenial and respectful relationships be maintained throughout the accommodation process.

It is helpful to document the accommodation process and the result in a formal accommodation plan. This ensures that the parties clearly understand their roles and responsibilities, and facilitates accountability and regular monitoring.

Accommodation requests will be dealt with promptly. Where necessary, interim accommodation will be provided while long-term solutions are developed.

The manager, the person requesting accommodation related to a *Code* ground and, where appropriate, the Human Resources Manager and any necessary experts will work together to develop an Accommodation Plan for the individual.

The Accommodation Plan, when agreed on, will be put in writing, and signed by the individual requesting accommodation, the Manager and the Human Resource Manager. It may include:

- A statement of the accommodation seeker's relevant limitations and needs, including any needed assessments and information from experts or specialists, bearing in mind the need to maintain the confidentiality of medical reports
- Arrangements for needed assessments by experts or professionals
- Identification of the most appropriate accommodation short of undue hardship
- A statement of annual goals, and specific steps to be taken to meet them
- Clear timelines for providing the accommodation
- Criteria for determining the success of the accommodation plan, together with a process for reviewing and re-assessing the accommodation plan as needed
- An accountability mechanism.

## 8. Appropriate accommodations

Accommodation may take many forms. What works for one person may not work for another. Each person's situation must be individually assessed. In each case, the organization must implement the most appropriate accommodation, short of undue hardship. An accommodation will be appropriate where it results in equal opportunity to attain the same level of performance or to enjoy the same level of benefits and privileges experienced by others, and where it respects the principles of dignity, inclusion and individualization.



The aim of accommodation is to remove barriers and ensure equality. Accommodations will be developed on an individualized basis. Appropriate accommodations may include:

- Work station adjustments
- Job redesign
- Changes to organizational policies and practices
- Technical aids
- Human support
- Providing materials in alternative formats
- Building modifications
- Counselling and referral services
- Temporary or permanent alternative work
- Changes to performance standards
- Leaves of absence
- Changes to scheduling or hours of work
- Changes to work uniforms.

This list is not exhaustive.

## **9. Monitoring accommodations**

Accommodation needs and organizational structures may change over time. As well, accommodations may require adjustments during and after implementation, to improve effectiveness or efficiency. So it is important to regularly monitor and review the accommodation plan.

The manager and the person receiving accommodation will monitor the success of the Accommodation Plan, and promptly address any deficiencies or any relevant changes in the workplace or the employee's needs.

## **10. Undue hardship**

Accommodation must be provided to the point of undue hardship. It is the OHRC's position that, in assessing undue hardship, only the three legislated factors of cost, outside sources of funding and health and safety may be taken into account. The standard for undue hardship is high, and the burden of proof is on the accommodation provider.

Careful analysis and research is required before concluding that a particular accommodation will result in undue hardship. Determining that accommodation will cause undue hardship is a complex decision, with potentially significant legal consequences, and should therefore be made at the senior levels of the organization. The basis for this conclusion should be thoroughly documented, and the accommodation seeker provided with clear reasons for the decision.

A decision that a particular accommodation would result in undue hardship does not end the accommodation process. Accommodation is not an all-or-nothing proposition, and can be seen as a continuum. Where the most appropriate accommodation would result in undue hardship, the organization must consider other alternatives, such as phased-in or next-best accommodations.

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission's [Policy and guidelines on disability and the duty to accommodate](#). A decision on undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence.

Only the Chief Administrative Officer of XYZ Organization can determine that an accommodation will create undue hardship.

Where an accommodation is assessed to create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker will be informed of his or her recourse under XYZ Organization's Anti-Discrimination Policy and Procedure, and under the Ontario *Human Rights Code*.

Where a decision has been made that an accommodation would cause undue hardship, XYZ Organization will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

## 8. Education and training programs

### A. Description and rationale

Education and training are core elements of any organization's human rights strategy. They are central to any effort to build a "human rights culture" within an organization. Education and training can deepen understanding and awareness of human rights issues, and build support for the organization's human rights initiatives. As well, every member of the organization should have a solid understanding of their rights and responsibilities under the *Code*, and of the organization's policies, programs and procedures for preventing and addressing human rights issues.

However, education is not a "cure-all" for all human rights issues. For example, education will not, on its own, remove systemic barriers. Education works best along with a strong proactive strategy to prevent and remove barriers to equal participation, and effective policies and procedures for addressing human rights issues that do arise.

## B. Considerations

On an ongoing basis, organizations should monitor human rights issues that affect them, and provide their members with human rights education that is timely and appropriate.

An effective human rights education program will include training on:

- Organizational policies and procedures related to human rights
- The principles and specific provisions of the *Code*
- General human rights issues such as racism, ableism, sexism, homophobia, ageism, etc.<sup>22</sup>

Training must be tailored to the specific needs of the various members of the organization.<sup>23</sup> All members of the organization will need to be aware of their rights. As well, specific education is required for the people responsible for:

- Complying with policies (everyone)
- Implementing policies (managers, supervisors)
- Providing expert advice, ensuring compliance (for example, HR)
- Overall human rights strategy (for example, the CEO).

Organizations should ensure that those who carry out human rights training have expertise in the specific subject area.

Training should emphasize that human rights policies and programs are in harmony with the organization's objectives, and have the full support of senior management.

Human rights education should not be a one-time event. Ongoing training should be provided to address developing issues, and regular refreshers provided to all staff. The effectiveness of training should be monitored, and any identified gaps should be promptly addressed.

## C. Elements

### 1. General human rights training

Human rights education is essential to developing a "human rights culture" within the organization, one that supports the values and principles that underlie the *Code*. Without an understanding of human rights issues, and support for a human rights culture, human rights policies and procedures are unlikely to succeed.

Beyond knowledge of the legal rights and responsibilities set out in the *Code*, it is important to understand discrimination and harassment related to the various *Code* grounds, and how they manifest themselves. For example, it will be very

difficult for an organization to address and prevent systemic racial discrimination without educating its members about what racism is, how it operates, common manifestations of racism and racial discrimination, and the legacy of racism in Canada.

## **2. Training on the Ontario *Human Rights Code***

All members of the organization should know the principles of the *Code*, and their legal rights and responsibilities related to human rights. People responsible for developing organizational strategy, policies and procedures on human rights issues will need more in-depth training on human rights laws, and regular updates on new issues, policies and legal developments.

## **3. Training on organizational policies and procedures**

Organizations should make sure that all members are aware of internal human rights policies and procedures. Everyone should know what the standards are, what their rights and responsibilities are under the policies and procedures, and how they can get advice or assistance on human rights issues. Provide everyone with policies and procedures, together with training, when they are introduced. Share them with newcomers when they join the organization, and provide everyone with regular reminders and refreshers.

Persons who will be responsible for implementing human rights policies and procedures will need more extensive training and information. This includes managers and supervisors, as well as staff who may receive, investigate, mediate or decide on complaints or accommodation requests.

## **Purpose of OHRC policies**

Section 30 of the Ontario *Human Rights Code* authorizes the OHRC to prepare, approve and publish human rights policies to provide guidance on interpreting provisions of the *Code*. The OHRC's policies and guidelines set standards for how individuals, employers, service providers and policy-makers should act to ensure compliance with the *Code*. They are important because they represent the OHRC's interpretation of the *Code* at the time of publication.<sup>24</sup> Also, they advance a progressive understanding of the rights set out in the *Code*.

Section 45.5 of the *Code* states that the Human Rights Tribunal of Ontario (HRT) may consider policies approved by the OHRC in a human rights proceeding before the HRT. Where a party or an intervener in a proceeding requests it, the HRT shall consider an OHRC policy. Where an OHRC policy is relevant to the subject-matter of a human rights application, parties and interveners are encouraged to bring the policy to the HRT's attention for consideration.

Section 45.6 of the *Code* states that if a final decision or order of the HRTO is not consistent with an OHRC policy, in a case where the OHRC was either a party or an intervener, the OHRC may apply to the HRTO to have the HRTO state a case to the Divisional Court to address this inconsistency. OHRC policies are subject to decisions of the Superior Courts interpreting the *Code*. OHRC policies have been given great deference by the courts and the HRTO<sup>25</sup>, applied to the facts of the case before the court or the HRTO, and quoted in the decisions of these bodies.<sup>26</sup>

## For more information

For more information on the human rights system in Ontario, visit:

[www.ontario.ca/humanrights](http://www.ontario.ca/humanrights)

To make a human rights complaint – called an application – contact the Human Rights Tribunal of Ontario at:

Toll Free: 1-866-598-0322

TTY Toll Free: 1-866-607-1240

Website: [www.hrto.ca](http://www.hrto.ca)

To talk about your rights or if you need legal help, contact the Human Rights Legal Support Centre at:

Toll Free: 1-866-625-5179

TTY Toll Free: 1-866-612-8627

Website: [www.hrlsc.on.ca](http://www.hrlsc.on.ca)

For human rights policies, guidelines and other information, visit the Ontario Human Rights Commission at [www.ohrc.on.ca](http://www.ohrc.on.ca)

## Follow us!

Facebook: [www.facebook.com/the.ohrc](http://www.facebook.com/the.ohrc)

Twitter: @OntHumanRights

## Endnotes

<sup>1</sup> For a review of some of the research on human rights and workplace productivity, see Bates, Michael and Este, Dr. David, *Creating Workplace Environments that Reflect Human Rights Values*, Cultural Diversity Institute, University of Calgary, May 2000; Gandz, Dr. Jeffrey, “A Business Case for Diversity,” available online at [www.hrsdc.gc.ca](http://www.hrsdc.gc.ca); and Iacobucci, Edward M., “Antidiscrimination and Affirmative Action Policies: Economic Efficiency and the Constitution”, (1998) Osgoode Hall L.J. 293-337.

<sup>2</sup> There are other provincial laws related to human rights issues that affect the development of organizational policies and procedures. Organizations have distinct but related responsibilities under the *Occupational Health and Safety Act* (OHSA) and the *Accessibility for Ontarians with Disabilities Act* (AODA). These laws promote the values and objectives of the *Code* but do not limit or replace an organization’s obligations under the *Code*.

Under the OHSA, employers must develop workplace violence and workplace harassment policies, programs and procedures to investigate and respond to complaints. Requirements under this Act apply to all forms of workplace violence and harassment, not just those that are related to *Code* grounds. The policies and procedures developed to address workplace violence and harassment may be separate, part of or associated with an employer’s anti-discrimination policies and complaint resolution procedures. For more information on how requirements under the OHSA may affect your organization, see the Ministry of Labour website at [www.labour.gov.on.ca/english/hs/pubs/wvps\\_toolbox/](http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/).

Depending on size and type, organizations also have specific responsibilities under the AODA to identify, remove and prevent barriers for people with disabilities. Depending on size and type, an organization may be required to take a number of actions under this legislation, including: developing accessibility policies and plans, incorporating accessibility criteria into procurement practices, and delivering training to staff about the requirements in the Integrated Accessibility Standards Regulation, as well as the Ontario *Human Rights Code* as it relates to people with disabilities. There are also specific requirements for organizations of different types and sizes in the areas of customer service, information and communication, employment and transportation. To learn more about the requirements in each of these areas and how they may affect your organization, see:

[www.mcass.gov.on.ca/documents/en/mcass/accessibility/iasr\\_guidelines/complete\\_guidelines.pdf](http://www.mcass.gov.on.ca/documents/en/mcass/accessibility/iasr_guidelines/complete_guidelines.pdf)

<sup>3</sup> See, for example, *Naraine v. Ford Motor Co. of Canada* (No. 4) (1996), 27 C.H.R.R. D/230 (No. 4) (Ont. Bd. Inq.) aff’d (1999), 34 C.H.R.R. D/405 (Ont. Ct. (Gen. Div.)), Board of Inquiry’s order upheld except with respect to the issue of reinstatement (2001), 41 C.H.R.R. D/349 (Ont. C.A.), leave to appeal denied [2002] S.C.C.A. No. 69; *Smith v. Mardana Ltd.* (No. 2) (2005), CHRR Doc. 05-434 (Ont. Div. Ct.). rev’g in part (2002), 44 C.H.R.R. D/142 (Ont. Bd. Inq.); *Smith v. Menzies Chrysler Incorporated*, 2008 HRTO 37 (CanLII)

Where there is liability under the *Code* for discrimination due to failure to comply with the procedural and substantive duties to accommodate, organizations may be ordered to develop a human rights policy and complaints procedure. See *DiSalvo v. Halton Condominium Corporation* No. 186, 2009 HRTO 2120 (CanLII). The lack of policies or procedures will factor into liability or damages, and so will the appropriateness of existing policies to gauge whether the respondent had an understanding of its obligations under the *Code*. See *Puleio v. Moneris Solutions*, 2011 HRTO 659 (CanLII). However, in some cases, an employer’s response to address discrimination may be held to be reasonable despite an absence of a human rights policy and training. See *Caldeira v. 2068006 Ontario*, 2010 HRTO 760 (CanLII). In addition, where liability is found, the HRTO will consider the size of the respondent in assessing which remedies should be ordered. A small employer with no human rights policy may not be ordered to develop and implement one. See *Torrejon v. 1147335 Ontario*, 2010 HRTO 1513 (CanLII)

<sup>4</sup> See *Lavoie v. Calabogie Peaks*, 2012 HRTO 1237 (CanLII). In this case, the criteria used to assess the employer's response to address allegations of discrimination in the workplace included: Was there an awareness of issues of discrimination/harassment in the workplace at the time of the incident? Was there a suitable anti-discrimination/harassment policy? Was a proper complaint mechanism in place? Was adequate training given to management and employees? The application of these criteria was based on a standard of reasonableness.

<sup>5</sup> *School District No. 44 (North Vancouver) v. Jubran*, 2005 BCCA 201, (CanLII). Leave to appeal to the Supreme Court of Canada refused: 2005 CanLII 39611 (SCC)

<sup>6</sup> See *Caldeira v. 2068006 Ontario*, 2010 HRTO 760 (CanLII)

<sup>7</sup> See *Ontario Human Rights Commission v. Farris*, 2012 ONSC 3876 (CanLII) and *Olarte v. DeFilippis and Commodore Business Machines Ltd. (No. 2)* (1983), 4 C.H.R.R. D/1705 (Ont. Bd. of Inq.), aff'd (1984), 14 D.L.R. [4th] 118 (Div. Ct.).

<sup>8</sup> *Shroff v. Tipco*, 2009 HRTO 1405 (CanLII)

<sup>9</sup> *Wedley v. Northview Co-operative Homes Inc.*, 2008 HRTO 13 (CanLII)

<sup>10</sup> In *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3 [hereinafter "*Meiorin*"], the Supreme Court of Canada stated:

*Employers designing workplace standards owe an obligation to be aware of both the differences between individuals and differences that characterize groups of individuals. They must build conceptions of equality into workplace standards. By enacting human rights statutes and providing that they are applicable to the workplace, the legislatures have determined that the standards governing the performance of work should be designed to reflect all members of society, in so far as this is reasonably possible. [at 38]*

<sup>11</sup> Considerations for an accessibility review are set out in the OHRC's 2001 *Policy and guidelines on disability and the duty to accommodate*, available online at [www.ohrc.on.ca](http://www.ohrc.on.ca). The OHRC's publication, *Dining Out Accessibly*, also available online, provides an example of an approach to reviewing and addressing accessibility issues, in the context of the restaurant industry. The Accessibility Directorate of Ontario provides information and resources on accessibility planning: [www.mcass.gov.on.ca/mcass/english/pillars/accessibilityOntario](http://www.mcass.gov.on.ca/mcass/english/pillars/accessibilityOntario).

<sup>12</sup> *Quesnel v. London Educational Health Centre*, *supra*, note 1.

<sup>13</sup> Employers may find of some assistance the materials that the Canadian Human Rights Commission has prepared to help employers with conducting employment systems reviews under the *Employment Equity Act*. See in particular the December 2002 *Employment Systems Review: Guide to the Audit Process*, available online at [www.chrc-ccdp.ca](http://www.chrc-ccdp.ca). The Appendix to the OHRC's *Policy on racism and racial discrimination* summarizes common workplace policies, practices and decision-making processes that may lead to systemic discrimination based on race and race-related grounds.

<sup>14</sup> OHRC policies, available online at [www.ohrc.on.ca](http://www.ohrc.on.ca), provide examples of forms of harassment and discrimination that are specific to each of the various *Code* grounds.

<sup>15</sup> There should be a viable complaint mechanism in place, including the ability for a complaint mechanism to function in the absence of an identifiable accused. See *Ford v. Nipissing University*, 2011 HRTO 204 (CanLII). In this case, the HRTO found that Nipissing University discriminated against the complainant by failing to fulfill its procedural obligation regarding a sexual harassment complaint stemming from an anonymous email.

<sup>16</sup> In *Wall v. University of Waterloo* (1995) 27 C.H.R.R. D/44 (Ont. Bd. of Inq.), the Board of Inquiry set out six elements of a reasonable response to a complaint: 1) the complaint is dealt with promptly; 2) the employer is addressing the issue of harassment/discrimination and providing appropriate resources to deal with it, including ensuring that management and employees are aware of the standards of behaviour; 3) the complaint is taken seriously; 4) there is an adequate complaint mechanism in place, which includes ensuring adequate access to information and advice to complainants, and of which management and employees have been advised; 5) a healthy work environment is restored for the complainant; and 6) management communicates its actions to the complainant.

<sup>17</sup> Under ss.34 (1) and (2) of the *Code*, an application to the HRTO must be made within one year after the incident to which the application relates, or if there was a series of incidents, within one year after the last incident in the series. The HRTO may accept late applications if it is satisfied that the delay was made in good faith and no substantial prejudice will result to any person affected by the delay.

<sup>18</sup> The OHRC's *Guide to releases with respect to human rights complaints* (2006), available online at [www.ohrc.on.ca](http://www.ohrc.on.ca), provides information on structuring agreements and releases that accord with human rights principles.

<sup>19</sup> In determining whether the duty to accommodate has been met, the procedure to assess accommodation is as important as the substance of the accommodation. *Meoirin, supra*, note 10 at para. 66.

<sup>20</sup> *Krieger v. Toronto Police Services Board*, 2010 HRTO 1361 (CanLII)

<sup>21</sup> Human rights statutes in some jurisdictions refer to “reasonable accommodation.” Despite the difference in wording, “reasonable accommodation” imposes the same requirements as “accommodation to the point of undue hardship” – the standard set out in the Ontario *Code*. As was stated by the Supreme Court of Canada in *Central Okanagan School District No. 23 v. Renaud* [1992] S.C.R. 970, at para.19: “The extent to which the discriminator must go to accommodate is limited by the words ‘reasonable’ and ‘short of undue hardship.’ These are not independent criteria, but are alternate ways of expressing the same concept.”

<sup>22</sup> See the OHRC's policies on these issues online at [www.ohrc.on.ca/en/our\\_work/policies\\_guidelines](http://www.ohrc.on.ca/en/our_work/policies_guidelines)

<sup>23</sup> *Szyluk v. United Food and Commercial Workers Canada*, 2010 HRTO 2051 (CanLII)

<sup>24</sup> Note that case law developments, legislative amendments, and/or changes in the OHRC's own policy positions that took place after a document's publication date will not be reflected in that document. For more information, please contact the OHRC.

<sup>25</sup> In *Quesnel v. London Educational Health Centre* (1995), 28 C.H.R.R. D/474 at para. 53 (Ont. Bd. of Inq.), the Board of Inquiry applied the United States Supreme Court's decision in *Griggs v. Duke Power Co.*, 401 U.S. 424 (4th Cir. 1971) to conclude that OHRC policy statements should be given “great deference” if they are consistent with *Code* values and are formed in a way that is consistent with the legislative history of the *Code* itself. This latter requirement was interpreted to mean that they were formed through a process of public consultation.

<sup>26</sup> The Ontario Superior Court of Justice has quoted at length excerpts from the OHRC's published policy work in the area of mandatory retirement, and stated that the OHRC's efforts led to a “sea change” in the attitude towards mandatory retirement in Ontario. The OHRC's policy work on mandatory retirement heightened public awareness of this issue and was at least partially responsible for the Ontario government's decision to pass legislation amending the *Code* to prohibit age discrimination in employment after age 65, subject to limited exceptions.



This amendment, which was effective December 2006, made mandatory retirement policies illegal for most employers in Ontario: *Assn. of Justices of the Peace of Ontario v. Ontario (Attorney General)* (2008), 92 O.R. (3d) 16 at para. 45. See also *Eagleson Co-Operative Homes, Inc. v. Théberge*, [2006] O.J. No. 4584 (Sup.Ct. (Div.Ct.)) in which the Court applied the OHRC's *Policy and guidelines on disability and the duty to accommodate*, available at: [www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2](http://www.ohrc.on.ca/en/resources/Policies/PolicyDisAccom2)



RECEIVED MAR 11 2016

March 10, 2016

Request #2016-01

Mr. Luke Reid  
Arch Disability Law Centre  
425 Bloor Street East, Suite 110  
Toronto, ON M4W 3R4

Dear Mr. Reid:

I am writing in response to your request under the *Municipal Freedom of Information and Protection of Privacy Act* for access to non-personal records, reports and/or memorandums the Toronto Catholic District School Board has pertaining to tracking the use of s. 265(1)(m) of the *Education Act* in schools for the periods of 2013, 2014, and 2015

This is to inform you that a search has been undertaken for responsive records, and that access is granted to the records you have requested. The records deemed responsive to your request are as follows:

- A "List of Exclusions" tracked by TCDSB's Corporate Services department. Please note that in order to de-personalize the information contained in this list, the "School Name" and "Student Name" table fields have been redacted.
- A template letter created for school principals to adapt and send to Parents/Guardians in cases where section 265(1)(m) of the *Education Act* has been invoked.

You may request that this decision be reviewed by the Information and Privacy Commissioner. The Commissioner can be reached at: 2 Bloor Street East, Suite 1400, Toronto, Ontario M4W 1A8

Please note that you have 30 days from the receipt of this letter to request a review.

Please contact me if you have any questions. I would appreciate you using the Request number 2016-01 assigned to your request in any further correspondence.

Sincerely,

Bryan Shannon  
Delegate of the Head  
Senior Manager- Archives, Records Management and Freedom of Information  
Toronto Catholic District School Board  
ph.: 416.222.8282 ext. 2162

# LIST OF EXCLUSIONS

DECEMBER 2013 -- FEBRUARY 16, 2016

#	SCHOOL NAME	STUDENT NAME	DATE	APPEAL HEARING INFORMATION
1			Dec 2013	-Appeal filed by parents -Settled via case conference before hearing
2			April 2014	-Appeal filed by parent -Appeal Hearing held April 30 & May 8, 2014 -Exclusion <b>upheld</b> by the Board of Trustees
3			Oct 2014	
4			Oct 2014	
5			Oct 2014	
6			Feb 2015	
7			March 2015	
8			April 2015	
9			May 2015	
10			Oct 2015	
11			Nov 2015	
12			Nov 2015	
13			Dec 2015	
14			Dec 2015	
15			Dec 2015	
16			Jan 2016	
17			Jan 2016	
18			Jan 2016	
19			Feb 2016	Note: Exclusion pending TPS Inv.
20			Feb 2016	Note: Exclusion pending TPS Inv.
21			Feb 2016	

TOTAL EXCLUSIONS BY YEAR

2013	1
2014	4
2015	10
2016	6



REPORT TO

**STUDENT ACHIEVEMENT AND  
WELL BEING, CATHOLIC  
EDUCATION AND HUMAN  
RESOURCES COMMITTEE**

**ANNUAL REPORT ON THE ACCESSIBILITY  
STANDARDS POLICY (A.35)**

*Do to others, as you would have them do to you.  
Luke 6:31*

Created, Draft	First Tabling	Review
January 28, 2019	February 7, 2019	Click here to enter a date.
F. Cifelli, Area 1 Superintendent of Education		
<b>INFORMATION REPORT</b>		

**Vision:**

*At Toronto Catholic we transform the world through  
witness, faith, innovation and action.*

**Mission:**

*The Toronto Catholic District School Board is an inclusive  
learning community uniting home, parish and school and  
rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to  
lead lives of faith, hope and charity.*



Rory McGuckin  
Director of Education

D. Koenig  
Associate Director  
of Academic Affairs

L. Noronha  
Associate Director of Facilities,  
Business and Community  
Development, and  
Chief Financial Officer

## **A. EXECUTIVE SUMMARY**

This report meets the requirements for the annual Accessibility Report as outlined in the policy Accessibility Standards A.35 (Appendix A).

*The cumulative staff time required to prepare this report was 6 hours*

## **B. PURPOSE**

1. This is an annual report to the Board of Trustees that serves as an assessment and overview of the Board's achievements and status in working to provide barrier-free facilities, services, employment and instruction to the TCDSB staff, students, parents, volunteers and Catholic community.

## **C. BACKGROUND**

1. The Accessibility Standards Policy (A.35) was last amended January 25, 2018.
2. The Multi-Year Accessibility Plan for December 2017-December 2022 was approved on January 25, 2018 (Appendix B).

## **D. EVIDENCE/RESEARCH/ANALYSIS**

1. *Accessibility for Ontarians with Disabilities Act* (AODA) is a law that sets out a process for developing and enforcing accessibility standards.
2. Accessibility standards are laws that the government, businesses, non-profits and public sector organizations must follow to become more accessible.
3. The Integrated Accessibility Standards regulation (IASR) (O. Reg 191/11) under the AODA sets out requirements of public sector organizations, specifically in regard to the establishment of accessibility policies (section 3) and accessibility plans (section 4).
4. The Accessibility Standards for Customer Service regulation (O. Reg. 429/07) under the AODA was revoked on July 1, 2016 and the requirements under it were consolidated into the current IASR.



5. The legislative requirements under the IASR are as follows:

*Establishment of accessibility policies*

(1) Every obligated organization shall develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in this Regulation.

(2) Obligated organizations, other than small organizations, shall include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner in their policies.

(3) Every obligated organization, other than a small organization, shall,

(a) prepare one or more documents describing the policies it developed under subsection (1); and

(b) make the documents publicly available and, on request, provide them in an accessible format.

[...]

Accessibility plans

4. (1) The Government of Ontario, Legislative Assembly, designated public sector organizations and large organizations shall,

(a) establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;

(b) post the accessibility plan on their website, if any, and provide the plan in an accessible format upon request; and

(c) review and update the accessibility plan at least once every five years.

(2) The Government of Ontario, Legislative Assembly and designated public sector organizations shall establish, review and update their accessibility plans in

consultation with persons with disabilities and if they have established an accessibility advisory committee, they shall consult with the committee. [...]

6. In accordance with legislation, the Board must review its Multi-Year Accessibility Plan at least once every five (5) years (IASR, section 4(1)(c)).
7. The current Multi-Year Accessibility Plan covers the 2017-2022 years and was approved in January 2018.

## **E. METRICS AND ACCOUNTABILITY**

1. Recommendations in this report have been monitored by policy staff with the support of Employee Relations.
2. With the change in the Employee Relations Department the task of updating the Accessibility Standards Policy was transferred to a Superintendent.
3. The Director of Education will annually update and attest compliance to the statutory obligations under the AODA in the form of the **Annual Status Report** (Appendix C) to the Board of Trustees including any major initiatives to meet compliance or address efficiencies.
4. The Accessibility Working Group members consist of a core group of advisors, some of whom are persons with disabilities, depending on the area of the plan addressed. The members represent the following groups:
  - Superintendent of Human Resources
  - Superintendent of Special Services
  - Superintendent of Student Success
  - Staff Representative
  - Information Technology
  - Community Relations
  - Facilities Services
  - Transportation Services
  - Parent Representative
5. The Accessibility Working Group will meet to review progress and respond to the requirements of the AODA Plan.

6. Evaluation of the effectiveness in implementing the barrier removal and prevention strategies will be on-going.
7. The Working Group will assist staff regarding roles in the implementation of the Annual Accessibility Plan.

## **F. ACTION PLAN**

1. The updated plan has been approved and is posted on the TCDSB policy register. The committee will work to update the plan as part of their 2018-2019 mandate.
2. The Accessibility Working Group to create sub-groups to ensure that each area of the organization is in compliance with the AODA by 2025 who will report regularly to the Accessibility Working Group.
  - a. Physical and Architectural Barriers
  - b. Informational and Communication Barriers
  - c. Attitudinal Barriers
  - d. Systematic Barriers
  - e. Transportation Barriers
3. The Accessibility Working Group will ensure that the Barriers to be addressed under the Multi-Year Accessibility Plan 9.0 will be addressed and the plan included in an update report to board.
  - a. Identification of Existing Barriers and Barrier
  - b. Strategy for Prevention and Removal of Barriers
  - c. Barriers to be addressed under the Multi-Year Accessibility Plan
  - d. Review and Monitoring
4. The Accessibility Working Group will track those individuals who have sought assistance as per Regulation 14 and the outcome of any investigation to be included in the annual report to Trustees.



5. The Multi-Year Accessibility Plan as approved will be reviewed with the Accessibility Working Group and person with disabilities who wish to participate in the review.

The Accessibility Working Group will ensure that the communication of the Multi-Year Accessibility Plan is clear, updated and user friendly on the TCDSB website and it follows a board approved format.

## **G. CONCLUDING STATEMENT**

This report is for the consideration of the Board of Trustees.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

**Date Approved:**

September 12, 2013

**Date of Next Review:**

January 2023

**Dates of Amendments:**

January 25, 2018

**Cross References:**

*Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*

*Integrated Accessibility Standards, Ontario Regulation 191/11*

*Ontario Human Rights Code*

*Ontarians with Disabilities Act, 2001*

TCDSB Policy Accessibility Standards for Services and Facilities (A.36)

TCDSB Policy Workplace Accommodation for Employees with Disabilities (H.M.38)

**Appendix A: TCDSB Multi-Year Accessibility Plan 2017-2022 (Under Review)**

**Purpose:**

The Toronto Catholic District School Board ("TCDSB") is committed to providing an environment in all of its facilities that fosters independence, dignity and respect. The TCDSB is committed to providing services that are free of barriers and biases to our students, parents/guardians, trustees, the public and our staff. The Board strives to ensure that the principle of equity of opportunity is reflected and valued in its learning and working environments.

The TCDSB is committed to ensuring that people with disabilities have the same opportunity of access to our services in a similar way as these services are available to all others we serve and is committed to meeting, in a timely manner, the accessibility needs of people with disabilities in the provision of services including those related to learning, information and communication, employment, and student transportation.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

**Scope and Responsibility:**

This policy applies to all operational policies and procedures in all facilities within TCDSB and applies to all members of the TCDSB community, including students, employees, trustees, volunteers and visitors. The Director of Education is responsible for this policy.

**Alignment with MYSP:**

Living Our Catholic Values

Strengthening Public Confidence

Providing Stewardship of Resources

Inspiring and Motivating Employees

**Policy:**

The Toronto Catholic District School Board is committed to maintaining an environment which actively promotes and supports human rights. As part of this commitment, the Board will make reasonable efforts to ensure that all policies, practices and procedures are consistent with the principles of independence, dignity, integration and equality of opportunity for persons with disabilities.

The TCDSB will identify barriers for people with disabilities through the process documented in the TCDSB's Multi-Year Accessibility Plan ([hyperlink](#)), primarily by the objectives of the TCDSB's Accessibility Working Group.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

**Regulations:**

1. The TCDSB shall make reasonable efforts as required by the *Accessibility for Ontarians with Disabilities Act* to ensure that policies, practices and procedures from the date of this policy forward are consistent with the principles of independence, dignity, integration and equity of opportunity to all with particular attention for persons with disabilities.
2. The TCDSB will ensure that the policy and Multi-Year Accessibility Plan are communicated to the public in a manner that accommodates all disabilities.
3. The Multi-Year Accessibility Plan shall be utilized in the TCDSB community and environment including students, staff, parents and guardians, volunteers and visitors to the Board and its schools.
4. The Board of Trustees will annually appoint external individuals to the Accessibility Working Group and will approve the Multi-Year Accessibility Plan at least once every five years.
5. The TCDSB will provide training to its employees and volunteers, as required. All newly-hired employees will receive training as part of a mandatory orientation process.
6. Any communications with a person with a disability will take place in a manner respectful of the person's disability. Information about our organization and its services in accessible formats or with communication supports will be provided upon request.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

7. The TCDSB will meet internationally-recognized Web Content Accessibility Guidelines (SCAG) 2.0 Level AA website requirements in accordance with Ontario's accessibility laws.
8. The TCDSB will advise that accommodations can be made during recruitment and hiring. Please see the TCDSB [Accessibility Standards for Services and Facilities policy \(A.36\)](#) and the [Workplace Accommodation for Employees with Disabilities policy \(H.M.38\)](#) for more a detailed description of the Board's obligations to accommodate persons with disabilities.
9. The TCDSB will notify staff that supports are available for those with disabilities. The TCDSB will put in place a process to develop individual accommodation plans for employees.
10. Where needed, the TCDSB will provide customized emergency information to help individuals with a disability during an emergency.
11. The TCDSB performance management, career development and redeployment processes will take into account the accessibility needs of all employees.
12. The TCDSB will meet accessibility standards when building or making major changes to public spaces. Public spaces include:
  - Outdoor play spaces
  - Outdoor paths of travel: sidewalks, ramps, stairs, and curb ramps
  - Accessible off-street parking
13. The TCDSB has procedures to prevent service disruptions to our accessible areas of our public spaces. ([TCDSB Notice of Disruption Document](#))



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

14.If accommodations are not met, individuals are encouraged to notify their area superintendent or the Superintendent of Human Resources.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

### **Definitions:**

#### **Accessibility Working Group**

This group is comprised of key stakeholders and comes together representing a variety of school system ~~working~~ groups and departments to develop recommendations and improvements in providing a barrier-free environment in key areas of the TCDSB such as Student Special Services, Facilities, Educational and Training Materials, Communications Tools, Transportation and Human Resources. In accordance with the Multi-Year Accessibility Plan, the working group is required to consult with our students, staff and community members who possess a disability.

#### **Dignity**

Human beings, created in the image and likeness of God; have by their very existence an inherent value, worth, and distinction.

#### **Disability**

- (a) Any degree of physical disability, infirmity, malformation or disfiguration 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.



**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

(d) A mental disorder, or

(e) An injury or disability for which benefits were claimed or received under an insurance plan, established under the *Workplace Safety and Insurance Act, 1997*; (“handicap”)

### **Equal Opportunity**

Service is provided to persons with disabilities in a way that their opportunity to access goods and services is equitable.

### **Independence**

Accommodating a person’s disability means respecting their right to do for themselves and to choose the way they wish to receive goods and services.

### **Integration**

Persons with disabilities can access goods and services. This may require alternative formats and flexible approaches. It means inclusiveness and full participation.





**POLICY SECTION: ADMINISTRATION**

**SUB-SECTION:**

**POLICY NAME: ACCESSIBILITY STANDARDS**

**POLICY NO: A. 35**

### **Evaluation and Metrics:**

1. The TCDSB's Annual Accessibility Report will serve as an assessment and overview of the Board's achievements and status in working to provide barrier-free facilities, services, employment and instruction to our staff, students, parents, volunteers and Catholic community.
2. Recommendations from the Accessibility Working Group or any advice provided to the Director of Education will be assessed, monitored and considered for implementation.
3. The Director of Education will annually update and attest compliance to the statutory obligations under the *Accessibility for Ontarians with Disabilities Act* to the Board of Trustees including any major initiatives to meet compliance or address efficiencies.
4. Tracking those individuals who have sought assistance as per Regulation 14 and the outcome of any investigation to be included in an annual report to Trustees.



POLICY SECTION: ADMINISTRATION

SUB-SECTION:

APPENDIX NAME: MULTI-YEAR ACCESSIBILITY PLAN

**Date Approved:**

September 12, 2013

**Date of Review:**

December 2022

**Dates of Amendment:**

January 25, 2018

**Cross Reference:**

TCDSB Policy (A.35) Accessibility Standards

TCDSB Policy (A.36) Accessibility Standards for Services and Facilities

*Accessibility for Ontarians with Disabilities Act, 2005 (AODA)*

Integrated Accessibility Standards, Ontario Regulation 191/11

*Ontario Human Rights Code**Ontarians with Disabilities Act, 2001*

Notification of Disruption of Service at TCDSB Procedures

TCDSB 2017 Accessibility Annual Status Report

## MULTI-YEAR ACCESSIBILITY PLAN

FOR THE PERIOD DECEMBER 2017 TO DECEMBER 2022



## **MULTI-YEAR ACCESSIBILITY PLAN**

### **TORONTO CATHOLIC DISTRICT SCHOOL BOARD December 2017–December 2022**

**Prepared by**

**Accessibility Working Group  
In accordance with  
Accessibility for Ontarians with Disabilities Act  
Integrated Accessibility Standards Regulation**

**December 2017**

- This publication is available through the Toronto Catholic District School Board's:
  - [website](http://www.tcdsb.org) (www.tcdsb.org → FOR COMMUNITY → Accessibility Policy & Multi-Year Plan)
  - Catholic Education Centre/Head Office (Communications Department- 80 Sheppard Avenue East)
- Hard copies will be made available to all departments, schools and the Catholic School Parent Councils upon request.
- Accessible formats of the plan are available from the Communications Department upon request.



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## 1.0 **Aim**

This multi-year Accessibility Plan is developed in accordance with the Integration Accessibility Standards Regulation under the *Accessibility for Ontarians with Disabilities Act, 2005*. It incorporates the intentions of the Board to meet its obligations under the *Ontarians with Disabilities Act, 2001*. The Plan describes the measures that the Board will take over the five year period from 2017-2022 to identify, remove and prevent barriers to people with disabilities who work, learn and participate in the Toronto Catholic District School Board community and environment including students, staff, parents and guardians, volunteers and visitors to the Board and its schools. The plan will be guided by the Board's Accessibility Standards-Policy Statement.

### **Objectives**

This Plan:

- 1.1 Describes the process by which the Toronto Catholic District School Board will identify, remove and prevent barriers;
- 1.2 Reviews recent efforts of the Toronto Catholic District School Board to remove and prevent barriers;
- 1.3 Describes the measures the Toronto Catholic District School Board will take in the period 2017-2022 to identify, remove and prevent barriers;
- 1.4 Makes a commitment to provide an annual status report on the Board's implementation of the multi-year accessibility plan;
- 1.5 Makes a commitment to review and update the multi-year accessibility plan at least once every 5 years;
- 1.6 Describes how the Toronto Catholic District School Board will make this accessibility plan available to the public.



## **2.0 Commitment to Accessibility Planning**

This plan will be established, reviewed and updated in consultation with persons with disabilities and with the Board's Special Education Advisory Committee and Accessibility Working Group. It will be presented to the Board for approval. The Toronto Catholic District School Board is committed to:

- 2.1** Maintaining an Accessibility Working Group;
- 2.2** Continuing the process of consulting with the Special Education Advisory Committee and with persons with disabilities;
- 2.3** Ensuring, wherever practicable, that Board policies, procedures and practices are consistent with the principles of accessibility and inclusive/universal design. The Accessibility Working Group will provide input re: accessibility issues, where appropriate, with regard to new policies and procedures and to those under review;
- 2.4** Improving access including, but not limited to, facilities, IT services, policies, programs, practices and services for students, staff, parents/guardians, volunteers and members of the community. Consideration of ongoing identification of barriers will be the responsibility of the Accessibility Working Group and will, wherever practicable, be incorporated in the multi-year plan.

The Director of Education has authorized the Accessibility Working Group to review and update the Multi-Year Accessibility Plan that will enable the Toronto Catholic District School Board to meet these commitments.



### **3.0 Description of the Toronto Catholic District School Board**

The Toronto Catholic District School Board is a publicly funded Catholic school board for Toronto, Ontario. It is one of the two English boards of education in the City of Toronto.

With over 90,000 students, the TCDSB is one of the largest school boards in Canada. The TCDSB governs 201 schools in the Toronto area: 30 secondary schools, 168 elementary schools, and 3 schools that combine both secondary and elementary grades.

The TCDSB has 12 wards represented by 12 trustees and 2 student trustees. The Chair of the Board and the Vice-Chair are elected at the inaugural meeting of the Board, and serve for one year.

#### **Our Mission**

The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ. We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.

#### **Vision of TCDSB**

At Toronto Catholic we transform the world through witness, faith, innovation and action.

#### **We believe...**

- in the worth and dignity of every person
- in the critical role that our Catholic schools play in promoting Gospel values, social justice, environmental responsibility, human solidarity and the common good
- that high standards and expectations foster greater achievement



- that people thrive in a safe, healthy and compassionate environment grounded in respect for the diversity of every person
- that teaching is responsive to individual needs
- that teaching and learning should be rooted in research and evidence
- that each of us shares responsibility for creating collaborative communities of learning
- that equity, diversity, accessibility and inclusivity are integral to the Catholic community
- that the 21st century competencies – collaboration, real world problem solving and innovation, knowledge construction, skilled communication, self-regulation and the use of information communication technology for learning, are essential.

"Our vision of Catholic education invites each one of us—parents, students, teachers, principals, chaplains, support staff, trustees, clergy, supervisory personnel— to work together as a community of believers committed to putting the values of our faith into practice in the daily life of the school, the home, and in all of society."

([\*Fulfilling the Promise\*](#), Assembly of Catholic Bishops of Ontario)





#### **4.0 Message from the Director of Education**

The Toronto Catholic District School Board is an educational community that values the dignity and worth of every individual in its care. In this context, plans are developed to support the well-being of all its members. To this end, the Multi-Year Accessibility Plan has been developed to address the needs of its members who have disabilities.

Our Board currently demonstrates leadership in working with people with disabilities through its special education programs and services to students with special needs, through its accommodations for employees who are disabled and by ensuring that buildings and facilities become increasingly accessible.

It is our hope that all parents, students and employee groups become familiar with accessibility issues and work together to fulfill our mission of providing a community that is safe and welcoming and an example of a Christian community that is highly accessible.

Rory McGuckin  
Director of Education



## 5.0 **Members of Accessibility Working Group**

The Accessibility Working Group members consist of a core group of advisors, some of whom are persons with disabilities, depending on the area of the plan addressed.

The members represent the following groups:

- Senior Staff
  - Superintendent of Human Resources
  - Superintendent of Special Services
  - Superintendent of Student Success
- Staff Representative(s)
- Student Representative(s)
- Information Technology
- Community Relations
- Human Resources
- Communications
- Facilities Services
- Transportation Services
- Parent Representative(s)

The Accessibility Working Group will meet to review progress and to respond to the requirements of the AODA. Evaluation of the effectiveness in implementing the barrier removal and prevention strategies will be on-going. The Working Group will assist staff regarding roles in the implementation of the Annual Accessibility Plan.

The Accessibility Working Group developed the Multi-Year Accessibility Plan for December 2017-December 2022.



## **6.0 Strategy for prevention and removal of barriers**

Beginning in September 1, 2012, the principles of inclusionary practice, freedom from barriers and accessible environments have informed Toronto Catholic District School Board policies, programs, procedures and services. The multi-year accessibility plan places particular emphasis on the provisions of the regulations made under the AODA with regard to service, information and communications, employment and school transportation.

Initiatives at the local level and system wide address accessibility issues and hence identify, remove and prevent barriers to people with disabilities.

Accessibility initiatives are addressed through the various departments, including but not limited to: Planning and Facilities, Special Services, Health and Safety, and Human Resources.

### **Planning & Facilities:**

The TCDSB has undertaken a number of initiatives to identify, remove and prevent barriers to people with disabilities.

The Capital Development and Planning services department continues to ensure all schools that are in the design and construction phase, or any additions made to existing schools, meet or exceed accessibility standards. Presently, there are four (4) new elementary school in construction – scheduled to open in late 2018 or the spring of 2019. The Board is proceeding with three (3) replacement secondary schools and four (4) replacement elementary schools. In addition, the Board has completed the construction of four (4) elementary school additions with three (3) other elementary school additions underway.



The Facilities Department ensures that procedures are in place for preventative and emergency maintenance of the accessible elements in public spaces, and for dealing with temporary disruptions when accessible elements are not in working order. This includes providing notice of the temporary disruptions and contact information both on-site and electronically, when possible. ([TCDSB Notice of Disruption Document](#)) Malfunctioning or broken accessibility components will be prioritized on work orders.

The following accessibility features have also been installed in some schools several years ago from a one-time accessibility grant:

- Washroom modifications
- Ramps
- Wheelchair Stair-Lifts
- Automatic Door Openers
- Elevator Repairs
- Lifting Devices
- Structural Wall Modifications

The Board operates a large number of schools that either have one (1) story or alternatively, at schools which are greater than one (1) story, have a passenger elevator to assist individuals who may have mobility issues and who may experience a physical/architectural barrier if the individual is unable to utilize the stairwells. All accommodation options will be reviewed for individuals working in a multiple-story building without an elevator.

Through the annual budget presentation, specific projects are identified, prioritized and completed in a coordinated effort between the Planning & Facilities Department, Special Services and the local school Superintendents.



### **Special Services:**

Student accessibility projects and initiatives are reported to the Ministry of Education through the TCDSB's Special Education Plan. This plan is posted on the TCDSB's website [www.tcdsb.org](http://www.tcdsb.org).

Through the Intensive Support Amount (ISA), the Board has been able to provide assistive technology and many more accommodations at the individual school for students in need due to a disability.

The ISA process allows for individualized equipment such as a walker, standers, sensory materials, lifts, computers and assistive software to be purchased on behalf of individual students, if it is deemed essential for them to have the equipment in order to access the curriculum.

### **Human Resources/Employment:**

The TCDSB is an equal opportunity employer. In this regard, the Board recruits qualified staff specific to requirements of the particular job. Routine processes allow staff to be placed in facilities that accommodate their disability. The TCDSB accommodates staff with disabilities by providing necessary equipment that allows staff members to perform their duties in a barrier free workplace. The TCDSB has experienced professionals in place to assist staff members with disabilities to appropriately, safely and respectfully accommodate the employee in the workplace.

The workplace accommodation process practiced by the professionals in the Human Resources department is outlined in the Board's Workplace Accommodation for Employees with Disabilities Policy. Itinerant employees are encouraged to contact the site/supervisor prior to or upon arrival at the worksite to discuss accessibility needs.

### **Customer Service:**

The TCDSB updated its Accessibility Standards for Services and Facilities policy (A.36) on September 22, 2016. The TCDSB remains in compliance with the Customer Service Standard.



The TCDSB regularly solicits feedback about the manner in which it provides service and facilities to people with disabilities. Feedback processes vary including: in person, by telephone, in writing by mail, hard copy, diskette or fax, or by some other communication technology.



## 7.0 **Barrier Identification Methodologies**

The Accessibility Working Group will use the following identification methodologies. Staff with disabilities will be consulted throughout the process.

- (1) Presentation to Senior Staff:
  - Input and feedback will be provided as the plan evolves and consultation will be on-going.
- (2) Presentation to Employee Groups:
  - Information regarding the plan will be provided and the working group will prioritize the removal of barriers.
- (3) Presentation to Trustees:
  - Providing information regarding the plan and presented prior to posting the updated annual plan.
- (4) Data Gathering:
  - Information to be gathered from all TCDSB stakeholders to identify barriers and measures that would make the TCDSB more accessible to people with disabilities.

Data will be gathered by either facilitating interviews, focus groups and/or surveys from three (3) sources: the Board's central office, schools and individuals. In addition, data will also be gathered through the review of policies. The data-gathering instruments will address all areas of accessibility barriers (physical, architectural, communication, information, attitudinal, technological, policy and practice).

**Board Central Office-** Department heads and other key staff will be contacted.

**Schools-** A representative which may include parents or members of the school community.



**Individuals-** Individual students, parents and staff will be invited to respond and to contribute their suggestions in the area of accessibility. Information will be gathered from individuals using surveys and/or focus groups.

While the primary focus of the surveys, focus groups or interviews is to gather data for informed decision making, it is expected that they will also serve to raise the awareness of respondents regarding the question of accessibility and accessibility planning within the TCDSB community.

In gathering the data, deliberate efforts will be made to encourage participation from people with disabilities. This will include extensive communication of the plan and widespread invitations for input and feedback.

Pamphlets will be distributed to local schools to raise awareness on accessibility. Principals are encouraged to add accessibility awareness as a topic for discussion at staff meetings.





## 8.0 **Recent Barrier Removal Achievements**

Between 2012-2017, the TCDSB implemented projects and programs to improve accessibility for people with disabilities and to meet requirements of the *Accessibility for Ontarians with Disabilities Act*.

This document includes a summary of the accessibility initiatives the TCDSB has completed.

### **Information and Communications**

The TCDSB ensures it can identify and have ready access to resources that enable the Board to provide information and communication supports upon request and in a timely manner to persons with disabilities. (e.g. access to board meetings/school events)

The TCDSB has ensured readiness of school libraries to provide accessible or conversion-ready formats of print resources upon request.

The TCDSB has reviewed the status of capacity of school libraries to provide accessible or conversion-ready formats of digital or multimedia resources upon request in anticipation of 2020 deadline.

The TCDSB Information Technology (IT) Services has reviewed accessibility features of all updates and purchases related to board and school websites in anticipation of WCAG, 2.0, Level AA standards.

### **Employment**

During the 2012/2013 calendar year, the hiring and recruitment practices were reviewed with a view that employment is based upon qualifications and the ability to complete the core functions of the job description. The hiring and recruitment process for job classifications and professions at the Board was reviewed in order to minimize any possibility of individuals with disabilities being disadvantaged with accessibility barriers when seeking employment with the TCDSB.



Under the AODA, the recruitment process is to be barrier free for job applicants with disabilities and when making offers of employment the Board must notify the successful candidate of the policies in place regarding accommodating persons with disabilities in the workplace.

By January 1, 2014 the TCDSB was required under the AODA to notify all job applicants when they are selected to participate further in the selection process that accommodation is available upon request in relation to the materials or processes to be used. The Board must consult with the applicant who is selected and who requests an accommodation and is required to provide and arrange for the provision of suitable accommodation. The TCDSB must also notify all successful applicants, when making offers of employment, of policies, procedures and plans for accommodating persons with disabilities.

### **Architectural & Physical Barriers**

All designs of new schools and additions have building features that incorporate principles of universal and barrier-free design to meet the requirements of the Ontario Building Code and in many cases to address additional exceptional program needs.

Accessibility alterations and provisions of specialized facilities within existing schools continue where identified. Accessibility is addressed with the provision of power door operators at major interior and exterior doors, unisex barrier-free accessible washrooms, ramps at level changes, enhanced ventilation requirements, appropriate signage and audio or visual emergency alarm systems.

### **Policies**

The TCDSB's Accessibility Policy, in accordance with the AODA, reinforces the Board's commitment to providing accessible educational material, facilities, transportation and human resource practices for employees, students, volunteers and community members with disabilities.



## Training

In accordance with AODA requirements the TCDSB provided interactive training on the Human Rights Code as it pertains to persons with disabilities for school board employees, volunteers and all other persons who provide goods and services or facilities on behalf of the school board. All school boards will be obligated to present this training.

Link to training modules:

Accessibility Awareness:

<https://intranet.tcdsb.org/Resources/accessibility/Pages/default.aspx>

Customer Service Standards:

<https://intranet.tcdsb.org/Resources/accessibility/Pages/Customer-Service-Standards-Training-AODA.aspx>



## 9.0 **Barriers to be addressed under the Multi-Year Accessibility Plan**

The Integrated Accessibility Standards Regulation 191/11 filed in June, 2011 pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005* identified specific requirements to achieve accessibility in the areas of:

- Information and Communications
- Employment
- Transportation

These requirements build on the Accessibility Standards for Customer Service which came into force in 2007.

The Toronto Catholic District School Board intends, through this Multi-year Accessibility Plan for the period 2017-2022, to take action to address barriers to accessibility related to the Standards areas of current Regulations. This is in addition to ongoing work the Board is undertaking with regard to identification and removal of barriers in the Board's physical environment.

### **By January 1, 2020, the Board needs to:**

(1) Provide accessible school library resources when asked. If available, provide accessible versions of print resources and materials such as large print, electronic or audio versions.

#### Exceptions

The Board does not need to provide accessible formats for:

- rare books
- special collections
- archived materials
- donated books and materials

Types of accessible formats:

- large print
- electronic versions



- CDs or other audio, including podcasts
- braille

Types of conversion-ready formats:

Electronic or digital formats that are easy to convert into accessible formats such as HTML and structured Microsoft Word files.

How to comply:

To determine what format to provide, speak with the students who will be using the content. They may already be aware of ways to access it or convert it. If it is not possible to provide information in an accessible or conversion-ready format, your library representative will need to:

- explain why it cannot provide the materials as requested
- provide a summary of the information that cannot be converted

## (2) Make printed learning materials accessible

If the Board produces other printed learning materials, it must make them accessible or easy to convert into other formats like accessible Microsoft Word files.

If you are unable to provide the content in an accessible or conversion-ready format, you must:

- explain to individual why you cannot convert the information
- provide a summary of the information



**By January 1, 2021, the Board needs to:**

Make websites and web content accessible.

The TCDSB public website and its content must meet WCAG 2.0, as outlined in the Accessibility Standard for Information and Communications.

The TCDSB does not have to make its internal website (intranet) accessible. The Board does not have to modify content posted before 2012. If asked, the Board will need to work with individuals to make the content available to them in an alternate format such as large print or braille.

Policies:

The TCDSB's current Multi-Year Accessibility Plan will be reviewed and amended every five years. The TCDSB's Accessibility Policy, in accordance with the AODA, reinforces the Board's commitment to providing accessible educational material, facilities, transportation and human resource practices for employees, students, volunteers and community members with disabilities.



## **10.0 Review and Monitoring Process**

The Accessibility Working Group meets during the year to review progress and evaluate the effectiveness of implementation of barrier-removal and prevention strategies and to plan for increased accessibility throughout the Board.

The Accessibility Working Group will ensure that in respect of the Multi-Year Accessibility Plan the following steps take place:

- (a) An annual status report on the progress of the measures taken to implement the plan is prepared.
- (b) At least once every 5 years the plan is reviewed and updated in consultation with persons with disabilities, with the Board's Special Education Advisory Committee and other relevant committees.



### **11.0 Communication of the Plan**

In addition to the public availability of the plan as referenced earlier on Page 2, the Toronto Catholic District School Board will post an annual status report on the progress of the Multi-year Accessibility Plan on the Board's website. The Board will accommodate requests for accessible formats of the Plan.

Questions, comments or feedback regarding the Accessibility Plan may be directed to the Superintendent of Human Resources.





## **APPENDICES**

- Appendix 1: Definitions
- Appendix 2: Trustees



## APPENDIX 1: DEFINITIONS

### BARRIER:

Anything that prevents a person with a disability from fully participating in all aspects of society because of his or her disability, including:

**Physical** barrier- Objects added to the environment, doors, windows, elevators, furniture, workstations, recreational facilities, playgrounds, bathroom hardware, etc.

**Architectural** barrier- inadequate or incomprehensible signage, difficulties reading brochures, forms, manuals, web sites, fax transmissions, equipment labels, computer screens, etc.

**Communication** barrier- Difficulties receiving information in person or by telephone; difficulties interacting with staff, difficulties receiving training and articulating in the recruitment and interview process.

**Attitudinal** barrier- Staff who do not know how to communicate with people with disabilities; staff who refuse to provide service; discriminatory behaviours.

**Technological** barrier- Computers, photocopiers, fax machines, telephones and switches; inadequate or inappropriate assistive technologies.

**Policy or a Practice**- Rules, regulations and protocols that prevent one from performing their job satisfactorily; or from serving the public; or that restrict public participation.

### DISABILITY:

- (a) Any degree of physical disability, infirmity, malformation or disfiguration 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 an insurance plan established under the *Workplace Safety and Insurance Act, 1997*; ("handicap")



## APPENDIX 2: TRUSTEES 2017-2018

### TORONTO CATHOLIC DISTRICT SCHOOL BOARD TRUSTEES 2017-2018

#### Wards

1.	Joseph Martino	416-512-3401
2.	Ann Andrachuk	416-512-3402
3.	Sal Piccininni	416-512-3403
4.	Patrizia Bottoni	416-512-3404
5.	Maria Rizzo, Vice-Chair	416-512-3405
6.	Frank D'Amico	416-512-3406
7.	Michael Del Grande	416-512-3407
8.	Garry Tanuan	416-512-3408
9.	Jo-Ann Davis	416-512-3409
10.	Barbara Poplawski, Chair	416-512-3410
11.	Angela Kennedy	416-512-3411
12.	Nancy Crawford	416-512-3412
	Rhea Carlisle	
	Student Trustees	416-512-3413
	Joel Ndongmi,	
	Student Trustee	416-512-3417



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# 2018 ACCESSIBILITY ANNUAL STATUS REPORT

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*Achievements for the 2017/2018 Academic Year*

During the past school year, the TCDSB continued its efforts to support the elimination of barriers for individuals with disabilities.

## **Facilities, Planning and Capital Development Department**

The Facilities, Planning and Capital Development department worked within the budget allocations to renovate schools, build new or replacement elementary and secondary schools and modify existing structures while ensuring that all requirements under the *Ontario Building Code* were met. *Ontario Building Code* requirements are in compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA) statutory obligations to ensure that physical barriers are eliminated for individuals with disabilities. The Facilities Department ensures procedures are followed for preventative and emergency maintenance of the accessible elements in public spaces and when dealing with temporary disruptions when accessible elements are not in working order. This includes providing notice and contact information on-site and electronically, when possible.

## **2017/18 Accessibility Annual Status Report - Facilities**

The Facilities Department has been incorporating accessibility upgrades in school addition, renovation and renewal projects wherever possible, most commonly adding a Universal Washroom. All new schools include elevators for barrier-free accessibility throughout the building, barrier-free washrooms on all floors and at least one universal washroom.

## AODA SUMMARY - RECENTLY COMPLETED CAPITAL AND RENEWAL PROJECTS

School	Type of Project	Scope of Work
Blessed Margherita of Citta di Castello CS	Interior Renovation	Universal Washroom and modifications to entrance and chair lift replacement
Monsignor John Corrigan CS	Interior Renovation	Universal Washroom
Our Lady of Grace CS	Interior Renovation	Barrier Free Washroom upgrade
St. Monica CS	Interior Renovation	Universal Washroom
St. Clement CS	School Addition	Universal Washroom and elevator exists
St. Columba CS	Child Care Retrofit	Universal Washroom
St. Dominic Savio CS	Child Care Addition	Elevator
St. Jude CS	Child Care Addition	Universal Washroom
St. Kevin CS	Child Care Addition	Barrier Free Washroom
St. Paschal Baylon CS	School Addition	Universal Washroom and elevator
St. Simon CS	Replacement School	Universal Washroom and elevator
St. Stephen CS	Child Care Retrofit	Elevator and Barrier-Free Washroom
The Holy Trinity CS	Replacement School	Elevator, Universal Washroom and Barrier-Free Washroom

## AODA SUMMARY - PROJECTS UNDERWAY FOR CAPITAL AND RENEWAL

<b>School</b>	<b>Type of Project</b>	<b>Scope of Work</b>
Blessed Cardinal Newman CHS	Replacement School	Universal Washroom and elevator
Dante Alighieri Academy	Replacement School	Universal Washroom and elevator
Father Serra CS	Child Care Addition	Universal Washroom and elevator
Holy Angels CS	Replacement School & Childcare	Universal Washroom and elevator
Holy Family CS	Child Care Retrofit	Universal Washroom
Nativity of our Lord CS	Child Care Addition	Universal Washroom
New Baycrest	New School with Childcare Centre	Universal Washroom and elevator
Pope Francis CS	Child Care Retrofit	Universal Washroom
Santa Maria CS	Child Care Addition	Universal Washroom
St. Albert CS	Child Care Addition	Universal washroom
St. Andre CS	Child Care Addition	Universal Washroom
St. Antoine Daniel CS	Replacement School & Childcare	Universal Washroom and elevator
St. Barbara CS	Child Care Addition	Universal Washroom
St. Barnabas CS	Child Care Addition	Universal Washroom
St. Bartholomew CS	Child Care Addition	Universal Washroom
St. Bernard CS	Child Care Addition	Universal Washroom
St. Bruno-St. Raymond CS	Replacement School & Childcare	Universal Washroom and elevator

St. Edmund Campion CS	Child Care Addition	Universal Washroom
St. Fidelis CS	Replacement School & Childcare	Universal Washroom and elevator
St. Gerald CS	Child Care Addition	Universal Washroom
St. Jean de Brebeuf CS	Child Care Addition	Universal Washroom
St. John the Evangelist CS	Replacement School & Childcare	Universal Washroom and elevator
St. John Vianney CS	Child Care Retrofit	Universal Washroom
St. Leo / St Louis CS	Replacement School & Childcare	Universal Washroom and elevator
St. Margaret CS	School Addition/ Child Care Retrofit	Universal Washroom and elevator
St. Matthias CS	Replacement School & Childcare	Universal Washroom and elevator
St. Michael Choir School	Existing School	Elevator Rebuild
St. Michael Choir School	Replacement School	Universal Washroom and elevator
St. Nicholas of Bari CS	Child Care Addition	Universal Washroom
St. Paul VI CS	Child Care Retrofit	Universal Washroom
St. Roch CS	Child Care Addition	Universal Washroom
St. Thomas Aquinas CS	Child Care Addition	Universal Washroom

A protocol has been established for notification on the Board website when elevators and other accessibility devices are out-of-service and that protocol is being followed, with Operations, Maintenance and Communications staff collaborating to ensure repairs are carried out as quickly as possible and notifications are placed on the website.

Work is underway on an updated playground design standard which will incorporate accessibility to playground elements that currently are not accessible. The new standard



will be used for new schools and for playground upgrades wherever possible.

### **Accessible Schools for Individuals with Physical Disabilities**

The Board is proud to provide a great number of schools that either have one (1) story or alternatively, at schools which are greater than one (1) story, have a passenger elevator to assist individuals who may have mobility issues and who may experience a physical/architectural barrier if the individual is unable to utilize the stairwells.

#### **Single Story Schools:**

St. Kateri Tekakwitha CS	Our Lady of the Assumption CS	St. Henry CS
Holy Angels CS	Sacred Heart CS	St. John Vianney CS
Josyf Cardinal Slipyj CS	St. Elizabeth Seton CS	St. Maximilian Kolbe CS
Monsignor John Corrigan CS	St. Florence CS	St. Sylvester CS
Our Lady of Grace CS	St. Gabriel Lalemant CS	The Divine Infant CS

#### **Schools with a Passenger Elevator or Lift (as of January 2019):**

All Saints CS	Nativity of Our Lord CS	St. Francis Xavier CS
Bishop Allen Academy	Our Lady of Fatima CS	St. Gregory CS
Bishop Morrocco/Thomas Merton CSS	Our Lady of Lourdes CS	St. Helen CS
Blessed Cardinal Newman HS	Our Lady of Sorrows CS	St. Jane Francis CS
St. Mother Teresa CSS	Our Lady of Victory CS	St. Joachim CS
Blessed Trinity CS	St. John Paul II CSS	St. John the Evangelist CS (new school to open September 2019)
Brebeuf College School	Prince of Peace CS (lift)	St. Joseph's College School
Canadian Martyrs CS	Regina Pacis CS -Norfinch	St. Kevin CS
Cardinal Carter Academy for the Arts	Senator O'Connor College School	St. Luke CS

Cardinal Leger CS(lift)	St. Agatha CS	St. Malachy CS
Father Henry Carr CSS	St. Albert CS	St. Maria Goretti CS
Father John Redmond CSS	St. Ambrose CS	St. Mark CS
Francis Libermann CHS	St. Andre CS	St. Mary Catholic Academy (lift)
Holy Cross CS	St. Angela CS	St. Michael's Choir School (out- of-service – rebuild scheduled summer 2019)
Immaculate Conception CS	St. Anthony CS	St. Monica CS (lift)
James Cardinal McGuigan CHS	St. Basil the Great CS	St. Nicholas CS
James Culnan CS	St. Bede CS	St. Norbert CS
Jean Vanier CSS	St. Bernard CS	St. Oscar Romero CSS
Loretto Abbey CSS	St. Bonaventure CS	St. Patrick CSS
Loretto College School	St. Brendan CS	St. Pius X CS
Marshall McLuhan CSS	St. Charles Garnier CS	St. Raphael CS (lift)
Mary Ward CSS	St. Clement CS	St. Robert CS
Michael Power/St. Joseph HS	St. Conrad CS	St. Simon CS
Monsignor Percy Johnson CHS	St. Cosmas & Damian CS	St. Stephen CS
Catholic Education Centre	St. Domenic Savio CS	St. Thomas More CS
The Holy Trinity CS	St. Edward CS	St. Timothy CS
	St. Francis of Assisi CS	St. Ursula CS

### **School Site Facility Accommodation Requests from Parents/Students- Board Operational Procedure “Accessibility Best Practices”**

The Board is pleased to announce that the “Accessibility Best Practices” document was created and approved by the Board of Trustees as an appendix to the TCDSB Accessibility Standards for Services and Facilities policy (A.36). This applies to accommodation requests for all students or prospective students of the School Board. It applies to all School Board locations.

This Operational Procedure does ***not*** apply to accommodations provided as part of special education programs and services for exceptional students under **Identification and Placement of Exceptional Pupils**, O.Reg. 181/98, made under the *Education Act*, RSO 1990, c E.2.

The Board encourages students and/or parents to suggest how the student's disability could be accommodated. In addition, the Board encourages the parents of the student to provide reports, letters, and/or other documents from treating physicians or other health care professionals relating to the disability and the impairments or restrictions which give rise to the need for accommodation.

Following receipt of a request for an accommodation, the school principal will send a letter or email confirming that the request has been received. The request will be considered in as expeditious a manner as possible. The request will be addressed and the appropriate accommodation may be provided in a way that respects the dignity of the student. Amongst the things considered in assessing the request are:

- The student's disability and the arising impairment or restrictions;
- The medical evidence provided, and/or, depending on the circumstances, additional medical evidence obtained with the permission of the student and/or parents or guardians;
- The accommodations requested;
- Other possible accommodations that may address the student's impairment or restrictions.

## **Special Services Education**

The Special Services department is committed to reducing and eliminating barriers for students with special needs for their physical and learning environments. The Toronto Catholic District School Board strives to provide each special needs student with the attitudinal, academic and physical skills to reach their full potential for learning and practical skills development. During the 2017/2018 school year, approximately 1,500 students with special needs were identified and the Board presently has a total of approximately 9,000 students identified with special needs.

Students who have been identified as possessing a special education exceptionality, as

defined by the Ministry of Education (MOE) and the Toronto Catholic District School Board's Special Education Plan, have an Individual Education Plan (IEP), an MOE requirement. An IEP is written for students receiving Special Education support and services in order to meet their individual, academic, emotional, social, behavioural and physical needs. In consultation with parents, classroom teachers and a Special Education Teacher, the IEP is written within 30 school days of a student's placement in a Special Education program. Accommodations set out in the IEP are implemented to reduce or remove barriers that hinder the learning of a student with special needs. Presently, the Board has over 15,000 students with an IEP. Access to assistive technology, extra time on tests, varying assessment methods and providing instruction notes are some examples of accommodations made through the support and plan set out in the IEP.

The IEP includes the following elements:

- strengths and needs related to the student's learning;
- relevant assessment data;
- list of instructional, environmental and assessment accommodations the student requires;
- current level of achievement for each modified subject/course/alternative program area;
- annual program goals, learning expectations and strategies;
- assessment methods;
- documentation of parent consultation;
- transition plan for students 14 years of age and older; and
- a safety plan (if applicable)

During the 2017/2018 academic year, to assist in elimination of barriers in the students' learning environments, the Ministry of Education approved 883 SEA claims for the period of September 5, 2017 – June 30, 2018. The equipment includes devices such as positioning devices and amplification systems. SEA claims also may include computers and software that provide access to curriculum such as word prediction programs, speech-to-text programs, text-to-speech programs and movement-to-text programs through computer generated prompting methods.

On a continual basis, Administrators (Principals/Vice-Principals) work to identify physical barriers in schools which hinder the learning of students with special needs. Providing ramps, electronic door openers, lifts and hand rails in bathrooms are examples of some physical changes to buildings that the Planning Department have implemented

on an individual needs basis. The removal of physical barriers is facilitated through local level discussions with the Planning Department, the school Principal and the regional Superintendent of Education.

## **Health & Safety**

### **Student & Employee Emergency Evacuation Response Plan(s)**

In accordance with the AODA Integrated Accessibility Standards Regulation, the Toronto Catholic District School Board developed Individual Emergency Evacuation Response Plans for all students and staff members with disabilities or limitations which may hinder their ability to exit the building in the case of an evacuation.

The individual Emergency Evacuation Response Plan is customized by the school administrator, for students, or by the employee's manager, to incorporate the mobility or capacity limitations into a site based plan to ensure that the individual's safety, in case of an emergency evacuation, is of the highest consideration. The individual Emergency Evacuation Response Plan also provides information and instructions to those individuals assigned to assist the disabled student and/or employee, if necessary, on the protocol and methods to meet the individual's special needs for evacuation. The Emergency Evacuation Response Plan template document can be found on the Board's intranet website portal under the Health & Safety Department's drop-down menu.

## **Human Resource Services**

### **Workplace Accommodations for Disabled Employees**

As part of the Human Resources Division, the Benefits Department continues to develop customized individual workplace accommodations for employees with both temporary and permanent physical and cognitive limitations, restrictions and impairments. The workplace accommodation process is described in the Toronto Catholic District School Board's Workplace Accommodation for Employees with Disabilities Policy- H.M.38. Through the Functional Abilities Form (FAF) and additional medical documentation provided by the employee, from their treating Physician or licensed Medical Practitioner, the Disability Management Team may arrange for workplace site assessments, ergonomic assessments, and accessibility assistive devices to determine the accommodation required

for the employee and what equipment or job duty changes may be appropriate for their particular physical and/or cognitive disability. Through the intensive workplace assessments conducted by the Disability Management Team, it may be ultimately determined that modified work is appropriate or that the employee be permanently accommodated in the workplace to address their individual physical or cognitive impairments.

In compliance with the January 1, 2014 deadline under the Integrated Accessibility Standards Regulation of the AODA, the Benefits Department has developed standardized workplace accommodation documents that detail the employee's physical and/or cognitive limitations and impairments in relation to the required duties of the employee's job classification, while ensuring confidentiality of the employee's medical condition. A detailed description and outline of the employee's accommodation within the job classification and/or alternative job classification, if found to be completely disabled from the employee's original job class, is documented by the Disability Management Team on the Workplace Accommodation document. In accordance with the Board's Workplace Accommodation for Employees with Disabilities Policy, the workplace accommodation plan is discussed in collaboration with the disabled employee, Board Management and our Union partners for those employees who are a member of a bargaining unit.

For the 2017-18 Academic Year, there were three (3) AODA accommodation requests for the purpose of recruitment.

### **Accessible Recruitment Practices**

The Recruitment Services Department of the Board's Human Resources Division aims to promote and provide all candidates, both internal and external, with an opportunity to request an accommodation during the recruitment process.

As of January 1, 2014, Recruitment Services is proud to offer individualized accommodations for current employees or external candidates during the interview and/or skills testing processes for vacant positions. The candidate is required to request an accommodation before being interviewed and/or tested for the position to which they have applied. The candidate may also be asked to provide details regarding how to appropriately accommodate their disability during an interview process and in a skills testing environment. In some circumstances, which may be dependent on the nature of the disability identified, the applicant may be required to produce medical documentation to support their request during the recruitment process. The medical



documentation provided by the applicant will provide direction and clarity to the Recruitment Department in order to appropriately accommodate the applicant's physical and/or cognitive disabilities. Accommodations implemented during the recruitment process are completed centrally, at the Toronto Catholic District School Board's Catholic Education Centre (Board Office), as well as at school sites and the Regional Facilities' Offices.

### **Accessibility Awareness Training for Educators**

In accordance with the statutory obligations of the Integrated Accessibility Standards Regulation of the AODA, since the 2012/2013 academic year the Toronto Catholic District School Board has delivered accessibility awareness training to its educators (as defined under the AODA) including: Superintendents of Education, Principals, Vice-Principals, Teachers, Educational Assistants, Child and Youth Workers, Early Childhood Educators, Social Workers, Speech and Language Pathologists, Psycho-educational Consultants, Psychologists, Attendance Counselors, Secondary School Student Supervisors, International Language Instructors, Adult English as a Second Language (ESL) Instructors and Adult ESL Nursery Instructors.

The accessibility awareness training reviews the obligations under the AODA which impact the Board's program and classroom staff. The training specifically focuses and provides reference and resource materials that are designed to assist student based educational staff in developing strategies for educating all students regarding accessibility awareness. In addition, the training provides the educator staff with academic tools to design lesson plans that integrate accessibility awareness into the grade level curriculum.

### **Human Rights and Accessibility Training for Support Staff**

In accordance with the statutory obligations of the Integrated Accessibility Standards Regulation of the AODA, since January 1, 2014, the Toronto Catholic District School Board has delivered accessibility awareness and human rights training to its support staff, volunteers and co-op students (staff members not defined as "educators").

The accessibility awareness and human rights training was developed by the Ontario Human Rights Commission and reviews the obligations under the AODA and the *Ontario Human Rights Code* which impact the Board's staff, volunteers, co-op students. The training specifically focuses on the rights of employees to workplace accommodations and the barriers in the workplace relating to accessibility and all disabilities which have

been recognized by the Ontario Human Rights Tribunal.

The TCDSB has also ensured through its community partnership programs, joint ventures, and external contractors that the partner and/or contracted organization is responsible for the deliverance of accessibility awareness and human rights training through amendments to the TCDSB's community partnership agreements and vendor contracts.

## **Accessible Formats**

### **Educational & Training Materials**

The Board is dedicated to providing staff, students and members of the public with accessible and conversion ready print based materials, upon request. Members of the community are encouraged to contact the TCDSB site Manager, Principal or Superintendent to make the necessary arrangements to receive accessible format print materials. In accordance with the Board's Workplace Accommodation for Employee with Disabilities Policy, staff who require accessible format work materials and/or educational and training materials are advised to request a workplace accommodation in accordance with the Board's policy. Students who require training and/or educational material in an accessible format are recommended to go through the Special Education Services department and through the IEP process, materials will be provided by the Board's school-based educator staff to meeting the student's unique accommodation requirements.

### **Communication Materials**

Upon request, any communication material produced by the Board, with the exception of video or audio streaming content delivered through the Board's internet or intranet website, will be converted into an accessible format based upon the accessibility need of the community member, volunteer, staff member or student. The Board may require documentation to support the request in order to tailor the accessibility requirement to the individual's needs. Individuals requiring communication materials to be converted into an accessible format are recommended to contact the site Manager, Principal, Superintendent or the Board's Communications Department to arrange for the communication material(s) to be converted.



Teachers in central positions, from Curriculum Learning & Innovation, Student Success, Special Services, and the Equity, Diversity and Indigenous Education departments, have received initial training on accessibility considerations when creating and delivering presentations. Further workshops will also be planned for these groups to ensure awareness about accessibility needs and how to ensure workshops are accessible.

All online registration forms for professional learning, within the above mentioned departments, will now include an accessibility question that allows participants to indicate if accommodations are necessary.

The statement is: “The TCDSB is committed to creating an inclusive, barrier-free environment. Please indicate any accommodation requirements that would help facilitate your attendance at this event. Please note that we may require specific information relating to your noted accommodation to best inform our intervention.”

**Ministry of Education**

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Success for All Branch  
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**Ministère de l'Éducation**

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Toronto ON M7A 1L2



**2019: SB01**

**MEMORANDUM TO:** Directors of Education  
Superintendents of Special Education

**FROM:** Claudine Munroe  
Director  
Special Education / Success for All Branch

**DATE:** February 20, 2019

**SUBJECT:** Update: Special Education Funding in 2018-19

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This updated memorandum provides a summary of Special Education Grant funding changes for the 2018-19 school year, including details regarding the Differentiated Special Education Needs Amount (DSENA) allocation.

The following is a list of the key changes to special education funding that are summarized in this memorandum:

- DSENA: New Investment and Allocation Details
- Special Education Per-Pupil Amount (SEPPA): New Investment and Allocation Details (*Summer 2018*)
- Special Incidence Portion (SIP): An increase to the Maximum Amount Per Eligible Claim (*Revised Summer 2018*)
- Behaviour Expertise Amount (BEA): Transition of Applied Behaviour Analysis (ABA) Training funding from Education Programs-Other funding into the BEA
- Care, Treatment, Custody and Correctional (CTCC) Amount: Name change and update to guidelines

## DIFFERENTIATED SPECIAL EDUCATION NEEDS AMOUNT (DSENA) ALLOCATION

### **New for 2018-19**

The 2018-19 DSENA allocation includes a new \$50.8 million<sup>1</sup> Multi-Disciplinary Supports Amount, which supports increased special education programs and services.

The new Multi-Disciplinary Supports Amount will support all students with special education needs, including some subsets of this population such as students with Autism Spectrum Disorder, and other needs such as mental health needs.

The 2018-19 DSENA Allocation will be made up of four components:

- Special Education Statistical Prediction Model (SESPM): This component is projected to be \$773.4 million;
- Measures of Variability (MOV): This component is projected to be \$273.0 million; and
- Base Amount for Collaboration and Integration: This component is projected to be \$32.8 million, which represents approximately \$456,017 per board.
- Multi-Disciplinary Supports Amount: this component is projected to be \$50.8 million
  - Multi-Disciplinary Team component (approximately \$28.4 million) and
  - Other Staffing Resources component (approximately \$22.5 million)

Further details regarding these DSENA allocation components can be found below. In addition, a copy of the projected DSENA MOV, SESPM and Other Staffing Resources Table Amounts for each school board, as found in the DSENA Table of the *Grants For Student Needs — Legislative Grants for the 2018-2019 School Board Fiscal Year*, can also be found below.

### **Special Education Statistical Prediction Model (SESPM)**

The logistic regression Special Education Statistical Prediction Model developed by Dr. J. Douglas Willms has been updated for the 2018-19 school year. It draws from 2015-16 Ontario Ministry of Education anonymized student data (most recent available), merged with University of New Brunswick – Canadian Research Institute for Social Policy Census indicators from the 2006 Canadian Census data, to estimate the number of students predicted to receive special education programs and services in each of Ontario's district school boards. The ministry determined that some GSN funding allocations, especially those that use data at lower levels of geography, could not be reliably updated with the 2011 National Household Survey data. This includes the SESPM. Ministry staff are presently examining 2016 census data to determine its reliability for updating funding components of the GSN that use Census data, such as the SESPM.

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<sup>1</sup> The Multi-Disciplinary Supports Amount investment totals \$52 million, which includes funding for school authorities and the benefits trusts costs of this investment. Of this \$52 million investment, \$50.8 million is provided to Ontario's 72 District School Boards through the Multi-Disciplinary Supports Amount.

The board-specific prediction value for each school board reflects the relationship between the actual percent of students reported to be receiving special education programs and/or services in the school board and the average level of socioeconomic status of all students enrolled in the school board.

The following demographic factors were used:

- Occupational structure,
- Median income,
- Parent level of education,
- Percent families below Statistic Canada's low-income cut-off occupational structure,
- Percent unemployed,
- Percent Aboriginal families,
- Percent recent immigrants,
- Percent moved in previous year, and
- Metropolitan influence zone.

The likelihood that a student will receive special education programs and/or services is estimated with a logistic regression model, which models the probability of a student being designated as reported to be receiving special education programs and/or services (e.g.,  $Y_1 = 1$  if reported;  $Y_1 = 0$  if not reported) as a function of a set of  $n$  covariates or predictors.

The analysis entailed the estimation of 14 separate logistic regression models – one for each of the 12 definitions within the ministry's categories of exceptionalities<sup>2</sup>, one for students 'non-identified with an Individual Education Plan (IEP),' and one for students 'non-identified without an IEP.'

For each school board, the prediction formulae for these 14 models were used to predict the total number of students in each category, given the demographic characteristics of all the students served by the school board, and then summed to achieve an estimate of the predicted number of students who could be expected to receive special education programs and/or services.

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<sup>2</sup> There are five categories and twelve definitions of exceptionalities as follows:  
BEHAVIOUR – Behaviour;  
INTELLECTUAL – Giftedness, Mild Intellectual Disability, Developmental Disability;  
COMMUNICATION – Autism, Deaf and Hard-of-Hearing, Language Impairment, Speech Impairment, Learning Disability;  
PHYSICAL – Physical Disability, Blind and Low Vision; and  
MULTIPLE – Multiple Exceptionalities

The functional form of the model is:

$$\text{Probability} \left( \begin{array}{l} Y_1 = 1, \text{ given a student's} \\ \text{set of background} \\ \text{characteristics} \end{array} \right) = \frac{1}{[1 + \exp^{-(\beta_0 + \beta_1 X_1 + \beta_2 X_2 + \dots + \beta_\eta X_\eta)}]}$$

where  $Y_1$  denotes whether or not a student was reported as receiving special education programs and/or services; and  $x_1 \dots x_n$  are the student's grade, gender and 2006 Census-derived demographic characteristics.

The regression coefficients,  $\beta_0, \beta_1, \dots, \beta_n$  are estimated from the anonymized data for all Ontario students in 2015-16. With these estimates, the model estimates the probability that a student with a particular set of background characteristics would receive special education programs and/or services.

Therefore, in a school board with 10,000 students, where each student's age, grade, and census-derived demographic characteristics are known, the prediction model can be used to estimate the probability that each student would receive special education programs and/or services. The sum of these probabilities for the 10,000 students provides an estimate of the total number of students that are likely to receive special education programs and/or services in that board.

The board-by-board predicted value is then multiplied by the board's average daily enrolment (ADE) to determine each board's proportion of this allocation.

### **Measures of Variability (MOV)**

The Measures of Variability use six categories of data to reflect differences in each school board's population of students with special education needs and in the school board's ability to respond to these needs.

Overall, the provincial MOV amount will be distributed among all school boards based on six categories of data where each category has an assigned percentage of the total MOV amount. Each category has one or more factors, and each factor has an assigned percentage of the category total.

The percent of MOV funding available for each category/subcategory (see Table 1 below) multiplied by the provincial MOV amount, determines the provincial funding for that factor.

**Table 1: Provincial Funding for Each Factor of MOV**

<b>Category</b>	<b>Factor(s)</b>	<b>% of MOV Funding for Category</b>	<b>% of MOV Funding for Sub-Category</b>
1	Students reported as receiving special education programs and/or services	2015-16 data as reported by boards (one factor) <b>30.2%</b>	
2	Participation and achievement in EQAO assessments by students with special education needs	2016-17 data for: <b>30.2%</b>	
	<b>Sub-Category 2A:</b> Grade 3 students (including gifted) with special education needs who were exempt, below, or reached Level 1 (six factors)		10.4%
	<b>Sub-Category 2B:</b> Grade 6 students (including gifted) with special education needs who were exempt, below, or reached Level 1 (six factors)		10.4%
	<b>Sub-Category 2C:</b> Grade 3 and Grade 6 students with special education needs (including gifted) with three or more accommodations (two factors)		9.4%
3	Credit accumulation and participation in locally developed and alternative non-credit courses (K-Courses) by students with special education needs	2015-16 data for: <b>15.1%</b>	
	<b>Sub-Category 3A:</b> Students with special education needs earned 5 or less credits in Grade 9 or earned 13 or less credits in Grade 10 (two factors)		12.3%
	<b>Sub-Category 3B:</b> Grade 9 and Grade 10 Students with special education needs enrolled in Locally Developed Courses (two factors)		1.3%
	<b>Sub-Category 3C:</b> Grade 9 and Grade 10 Students with Special Education Needs enrolled in K-Courses (two factors)		1.5%

**Table 1: Provincial Funding for Each Factor of MOV**

Category	Factor(s)	% of MOV Funding for Category	% of MOV Funding for Sub-Category
4 Remote and Rural Adjustment	2018-19 Projected allocations for:	<b>12.8%</b>	
	<b>Sub-Category 4A:</b> Board Enrolment This component recognizes that smaller school boards often have higher per-pupil costs for goods and services. (one factor)		6.4%
	<b>Sub-Category 4B:</b> Distance/Urban Factor/French-Language Equivalence This component takes into account the additional costs of goods and services related to remoteness and the absence of nearby urban centres, and recognizes that French-language school boards operating in minority language context face higher costs in obtaining goods and services (one factor)		1.4%
	<b>Sub-Category 4C:</b> School Dispersion This component recognizes the higher costs of providing goods and services to students in widely dispersed schools (one factor)		5.0%
5 Indigenous Education Grant Adjustment	Indigenous Education Grant's Per-Pupil Amount Allocation (one factor)	<b>7.6%</b>	
6 French-language School Board Adjustment	Recognition of school boards operating in an official language minority context and their size.	<b>4.1%</b>	
	<b>Sub-Category 6A:</b> Base amount of \$456,016.80 per board (one factor).		2.0%
	<b>Sub-Category 6B:</b> Board Enrolment, (one factor).		2.1%

The six MOV categories and its twenty-seven factors are described below.

### **MOV Categories 1 to 3:**

The first three categories of MOV use data to develop a school board profile of special education needs. These categories compare each school board to the provincial average on each of the factors, to determine its special education needs profile. This is done by attributing each school board with a weight derived from their data point in relation to the provincial average. The MOV weights for categories 1 to 3 are calculated as follows:

<b>Weight</b>	<b>Data ranges (DSB vs. Provincial Average)</b>
0.8	<-30%
0.9	-30% to < -10%
1	-10% to < +10% (of Provincial Average)
1.1	+10% to < +30%
1.2	≥ +30%

The calculation for these three categories is as follows:

- The board's data for each factor determines its weight, using the ranges described above. Specific ranges for each data point can be found below.
- The board's weight for the factor multiplied by the board's ADE determines the board's factor number. The board's factor number is divided by the total of all 72 boards' factor numbers combined for that factor. This ratio is then multiplied by the amount of funding available for that factor to determine the board's funding for that factor.

The following tables summarize the proportion of the MOV total that is allocated to each category and its factors, as well as, the ranges for each category or factor.

**Category 1:** Prevalence of students reported as receiving special education programs and services by school boards. Prevalence for this category is the total number of students reported as receiving special education programs and services divided by total enrolment. (one factor)

<b>Prevalence of students reported as receiving special education programs and services: 30.2% of MOV</b>	
<b>Weight</b>	<b>Range</b>
0.8	< 12.09%
0.9	12.09% to < 15.55%
1.0	15.55% to < 19%
1.1	19% to < 22.46%
1.2	≥ 22.46%



**Category 2:** Participation and achievement in EQAO assessments by students with special education needs who were eligible to take that EQAO assessment (Elementary enrolment counts only).

Sub-Category 2A: Prevalence of participation and achievement in Grade 3 EQAO assessments by students with special education needs, including gifted, who were exempt, below, or reached Level 1 or less (six factors).

<b>2A – EQAO Achievement – Grade 3; 10.4% of MOV</b>						
<b>Weight</b>	<b>Males Reading (20% of 2A)</b>	<b>Females Reading (15% of 2A)</b>	<b>Males Writing (20% of 2A)</b>	<b>Females Writing (15% of 2A)</b>	<b>Males Math (15% of 2A)</b>	<b>Females Math (15% of 2A)</b>
0.8	< 13.2%	< 12.03%	< 8.42%	< 6.53%	< 16.09%	< 19.22%
0.9	13.2% to < 16.97%	12.03% to < 15.47%	8.42% to < 10.82%	6.53% to < 8.39%	16.09% to < 20.68%	19.22% to < 24.71%
1	16.97% to < 20.75%	15.47% to < 18.9%	10.82% to < 13.23%	8.39% to < 10.26%	20.68% to < 25.28%	24.71% to < 30.2%
1.1	20.75% to < 24.52%	18.9% to < 22.34%	13.23% to < 15.63%	10.26% to < 12.12%	25.28% to < 29.88%	30.2% to < 35.69%
1.2	≥ 24.52%	≥ 22.34%	≥ 15.63%	≥ 12.12%	≥ 29.88%	≥ 35.69%

Sub-Category 2B: Prevalence of participation and achievement in Grade 6 EQAO assessments by students with special education needs, including gifted, who were exempt, below, or reached Level 1 or less (six factors).

<b>2B – EQAO Achievement – Grade 6; 10.4% of MOV</b>						
<b>Weight</b>	<b>Males Reading (20% of 2B)</b>	<b>Females Reading (15% of 2B)</b>	<b>Males Writing (20% of 2B)</b>	<b>Females Writing (15% of 2B)</b>	<b>Males Math (15% of 2B)</b>	<b>Females Math (15% of 2B)</b>
0.8	< 7.1%	< 5.6%	< 7.11%	< 5.54%	< 30.27%	< 33.74%
0.9	7.1% to < 9.13%	5.6% to < 7.2%	7.11% to < 9.15%	5.54% to < 7.13%	30.27% to < 38.92%	33.74% to < 43.38%
1	9.13% to < 11.16%	7.2% to < 8.8%	9.15% to < 11.18%	7.13% to < 8.71%	38.92% to < 47.57%	43.38% to < 53.02%
1.1	11.16% to < 13.19%	8.8% to < 10.4%	11.18% to < 13.21%	8.71% to < 10.29%	47.57% to < 56.22%	53.02% to < 62.66%
1.2	≥ 13.19%	≥ 10.4%	≥ 13.21%	≥ 10.29%	≥ 56.22%	≥ 62.66%

Sub-Category 2C: Prevalence of students with special education needs, including gifted, who required 3 or more accommodations (e.g., extra time, coloured paper, SEA equipment use, etc.) for EQAO Grade 3 and Grade 6 assessments (two factors).

<b>2C – EQAO accommodations; 9.4% of MOV</b>		
<b>Weight</b>	<b>Grade 3 (50% of 2C)</b>	<b>Grade 6 (50% of 2C)</b>
0.8	< 48.95%	< 38.54%
0.9	48.95% to < 62.93%	38.54% to < 49.55%
1	62.93% to < 76.92%	49.55% to < 60.56%
1.1	76.92% to < 90.9%	60.56% to < 71.57%
1.2	≥ 90.9%	≥ 71.57%

**Category 3:** Credit accumulation and participation in locally developed and alternative non-credit courses (K-Courses) by students with special education needs (Secondary enrolment counts only).

Sub-Category 3A: Prevalence of Grade 9 and 10 credit accumulation for students with special education needs. Prevalence for Grade 9 is that of those who earned 5 or less credits; and prevalence for Grade 10 is that of those who earned 13 or less credits (two factors).

<b>3A – Credit accumulation; 12.3% of MOV</b>		
<b>Weight</b>	<b>Earned 5 or less credits in Grade 9 (40% of 3A)</b>	<b>Earned 13 or less credits in Grade 10 (60% of 3A)</b>
0.8	< 9.24%	< 14.79%
0.9	9.24% to < 11.89%	14.79% to < 19.01%
1	11.89% to < 14.53%	19.01% to < 23.24%
1.1	14.53% to < 17.17%	23.24% to < 27.47%
1.2	≥ 17.17%	≥ 27.47%

Sub-Category 3B: Prevalence of Grade 9 and Grade 10 students with special education needs enrolled in locally developed courses (two factors).

<b>3B – Enrolled in LD Courses; 1.3% of MOV</b>		
<b>Weight</b>	<b>Enrolled in LD Courses Grade 9 (40% of 3B)</b>	<b>Enrolled in LD Courses Grade 10 (60% of 3B)</b>
0.8	< 16.15%	< 16.66%
0.9	16.15% to < 20.77%	16.66% to < 21.42%
1	20.77% to < 25.38%	21.42% to < 26.18%
1.1	25.38% to < 30%	26.18% to < 30.94%
1.2	≥ 30%	≥ 30.94%

Sub-Category 3C: Prevalence of Grade 9 and Grade 10 students with special education needs enrolled in alternative non-credit courses (K-courses) (two factors).

<b>3C – Enrolled in alternative non-credit courses (K Courses); 1.5% of MOV</b>		
<b>Weight</b>	<b>Enrolled in K-Courses Grade 9 (40% of 3C)</b>	<b>Enrolled in K-Courses Grade 10 (60% of 3C)</b>
0.8	< 4.89%	< 4.29%
0.9	4.89% to < 6.29%	4.29% to < 5.52%
1	6.29% to < 7.69%	5.52% to < 6.75%
1.1	7.69% to < 9.09%	6.75% to < 7.97%
1.2	≥ 9.09%	≥ 7.97%

## **MOV Categories 4 to 6**

Categories 4 to 6 address each school board's ability to respond to its population of students with special education needs. This is done by taking into account other external factors that affect the school board's ability to meet these needs. These three categories are: Remote and Rural Adjustment, Indigenous Education Grant Adjustment and French-language School Board Adjustment.

### **Category 4: Remote and Rural Adjustment**

The MOV's Remote and Rural Adjustment will provide school boards with funding based on 3 sub-categories/factors that align with the Remote and Rural allocation of the Geographic Circumstances Grant of the GSN – they are:

- Sub-Category 4A: Board enrolment, which recognizes that school boards with fewer pupils often have higher per-pupil costs for goods and services (one factor);
- Sub-Category 4B: Distance/Urban Factor/French-Language Equivalence, which takes into account the additional costs of goods and services related to remoteness and the absence of nearby urban centres. This component also recognizes that, much like remote school boards, French-Language school boards operating in minority language context face higher costs in obtaining goods and services (one factor); and
- Sub-Category 4C: School Dispersion, which recognizes the higher costs of providing goods and services to students in schools that are widely dispersed over the school board's geographic area (one factor).

### **Category 5: Indigenous Education Grant Adjustment**

Each school board will receive a percentage of their Indigenous Education Grant's Per-Pupil Amount Allocation. This allocation estimates the percentage of Indigenous population in a school board, while guaranteeing a minimum funding amount to each school board (please refer to *2018-19 Technical Paper* for more details regarding the Indigenous Education Grant's Per-Pupil Amount Allocation). This complements the ministry's effort to better reflect each school board's ability to respond to its population of students with special education needs. This is done by taking into account other external factors that affect the school board's ability to meet these needs (one factor).

### **Category 6: French-Language School Board Adjustment**

This category recognizes that boards operating in a minority language context have unique challenges supporting students with special education needs; while also recognizing board size. There are two factors in this category.

- Sub-Category 6A: Base amount of \$456,016.80 per board in a minority language context (one factor).
- Sub-Category 6B: Board enrolment, (one factor).

### **Base Amount for Collaboration and Integration**

The Base Amount for Collaboration and Integration provides every board a minimum level of base funding of \$456,016.80. Its purpose is to enable boards to explore collaborative and integrated approaches to serving students with special education needs.

### **Multi-Disciplinary Supports Amount**

The new Multi-Disciplinary Supports Amount will allow school boards to hire specialists, including registered social workers, psychologists, behavioural specialists and speech-language pathologists. This amount will support all students with special education needs, including subsets of this population such as students with Autism Spectrum Disorder, and other needs such as mental health needs. There are two components in this amount:

#### **a. Multi-Disciplinary Team Component**

Funding will be provided for a Multi-Disciplinary Team for all boards (funding will be provided for up to four additional FTEs per school board), to build board capacity, support special education assessments and help teachers, educational assistants, and other staff better understand and respond to the unique needs of their students. The Multi-Disciplinary Team members should reflect local need, and could include any combination of a psychologist, behavioural specialist, speech-language pathologist, registered social worker, or a person in a position that requires similar qualifications.

Boards will generate funding for the Multi-Disciplinary Team component based on the number of new multi-disciplinary team members hired. Each new multi-disciplinary team member hired, up to a maximum of four, will generate \$98,575.63 for the school board.

If the cost of these new multi-disciplinary team members is less than the amount of funding generated, this unspent funding will be made available for other special education expenditures (broader special education envelope). Any eligible spending in excess of the funding for new multi-disciplinary team members will be included in the special education spending that will be measured against the broader special education envelope.

#### **b. Other Staffing Resources Component**

Funding will be provided to all school boards for other staffing to support students with special education needs. School boards have flexibility to use this funding for special education staffing that will address their local needs. This component will be allocated to school boards as per the DSENA Table of the *Grants For Student Needs — Legislative Grants for the 2018-2019 School Board Fiscal Year*, which is also included at the end of this memorandum.

## **SPECIAL EDUCATION PER-PUPIL AMOUNT (SEPPA) ALLOCATION (*Revised Summer 2018*)**

For 2018-19, the ministry is investing a projected \$28 million in the Special Education Per-Pupil Amount Allocation. Funding will be provided to all school boards to assist with the costs of providing additional support to students with special education needs, including subsets of this population such as students with Autism Spectrum Disorder, and other needs such as mental health needs. Funding will be allocated to school boards by increasing all three Special Education Per-Pupil Amount Allocation benchmarks to the following:

- \$1,007.08 per JK to Grade 3 student,
- \$773.57 per Grade 4 to 8 student, and
- \$510.73 per Grade 9 to 12 student.

All 72 school boards will see an increase in their Special Education Per-Pupil Amount Allocation funding for 2018–19 as a result of this new investment.

## **SPECIAL INCIDENCE PORTION (SIP) ALLOCATION (*Revised Summer 2018*)**

The ministry is investing a projected \$2 million in the Special Incidence Portion for the 2018-19 school year through an increase in the maximum SIP amount per eligible claim. This investment is intended to support students with extraordinarily high needs to be successful in school, and it will support the staffing costs associated with addressing the health and safety needs of these students and others in their school. The maximum SIP amount per eligible claim will increase by 1.5 per cent over 2017-18 to \$27,405.

## **BEHAVIOUR EXPERTISE AMOUNT (BEA) ALLOCATION**

In 2018–19, the Behaviour Expertise Amount (BEA) Allocation will have a new component: the Applied Behaviour Analysis (ABA) Training Amount (\$3 million). This funding was previously provided to school boards through the Autism Supports and Training Allocation in Education Programs – Other funding. Beginning in 2018–19 the BEA Allocation will have two components:

- ABA Expertise Professionals Amount (\$12.2 million); and
- ABA Training Amount (\$3 million)

### **ABA Expertise Professionals Amount**

The use of ABA instructional approaches can support students with Autism Spectrum Disorder and other students with special education needs. The ABA Expertise Professionals Amount provides funding for school boards to hire board-level ABA expertise professionals.

The ABA Expertise Professionals Amount will support principals, teachers, educators and other school staff by providing and coordinating ABA coaching, training and resources; facilitating school boards' collaboration with community service providers, parents and schools; and support the transitions, collaboration and information sharing between community-based autism service providers, school staff and families.

## **ABA Training Amount**

The ABA Training Amount will provide funding for training opportunities to build school board capacity in ABA. Since 2007, funding provided by the ministry has supported the successful implementation of Policy/Program Memorandum (PPM) 140, which provides direction to school boards to support their use of ABA as an effective instructional approach to support students with Autism Spectrum Disorder.

School boards are required to use the ABA Training Amount for the purpose of ABA training. The ministry expects school boards to:

- Strengthen capacity to deliver ABA instructional methods to students with Autism Spectrum Disorder and other students with special education needs;
- Strengthen capacity of ABA expertise professionals in coaching on ABA-based teaching strategies, coordinating ABA training and resources and facilitating collaboration between community partners and schools; and,
- Facilitate information sharing opportunities and contribute to professional learning communities at the board, region and provincial levels.

The ministry expects school boards to use the ABA Training Amount for:

- Professional development;
- Procurement or development of resources/programs; and
- Release time/supply costs for staff on training (Educational Assistants/Educators/school teams)

School boards should align their ABA training and other relevant activities with a list of training requirements communicated by the ministry to school boards in the memorandum from April 30, 2014 titled [Applied Behaviour Analysis \(ABA\) Training Requirements to support students with Autism Spectrum Disorder](#). The formal or informal training opportunities and/or mentoring on ABA should be practical and oriented at developing classroom educators' skills to apply and individualize ABA and should cover the following content:

- Behaviour;
- Functions of behaviour;
- Assessments and data collection to inform ABA instructional methods;
- Development, implementation and monitoring of effective Individual Education Plans and Transition Plans that incorporate ABA methods in a variety of educational settings; and
- Principles of ABA, with a focus on ABA instructional methods to support students with Autism Spectrum Disorder and other students who may benefit from it.

ABA Training Amount funding can only be used by boards for the purpose of ABA training. Any unspent ABA Training Amount funding must be reported in a deferred revenue account to be used for ABA training in future years.

## CARE, TREATMENT, CUSTODY AND CORRECTIONAL AMOUNT

Beginning in 2018-19 this allocation, which was previously named the Facilities Amount, has been renamed the Care, Treatment, Custody and Correctional (CTCC) Amount. The CTCC Amount is provided to support approved education programs provided by boards in Care, Treatment, Custody, and Correctional Facilities. This funding amount was renamed to more accurately reflect the intention of the funds, and to make the naming consistent with ministry program documentation as well as district school board language.

### CTCC Guidelines 2018-19

The Guidelines for the Care, Treatment, Custody and Correctional (CTCC) programs are reviewed and updated on an annual basis. Guidelines for 2018-19 have been released on the Ministry of Education's Financial Analysis and Accountability Branch website at the following link: [Guidelines for Approval and Provision of Care, Treatment, Custody and Correctional \(CTCC\) Programs 2018-19](#). The 2018-19 Guidelines set out program requirements and ministry expectations, roles and responsibilities as well as criteria for approval and funding and overall program delivery.

This funding supports school boards' provision of education programs to school aged children and youth in care, treatment centres, and in custody and correctional facilities. Eligible facilities include hospitals, children's mental health centres, psychiatric institutions, detention and correctional facilities, community group homes, and social services agencies. A school board provides these education programs under a written agreement (Memorandum of Understanding) between the school board and the facility. The funding, which must be approved by the ministry, is used for recognized costs that include teachers, educational assistants, liaison administrative positions and classroom supplies.

Funding is reduced when the projected amount approved and paid to a school board is greater than the actual final expenditure incurred.

Additional funding is provided to school boards to help offset the accommodation costs of classrooms in care and/or treatment, and custody settings that operate in school board space. This funding is included in the School Operations Allocation.

Sincerely,

*Original signed by*

Claudine Munroe  
Director  
Special Education / Success for All Branch

cc. Special Education Advisory Committees



## 2018-19 DIFFERENTIATED SPECIAL EDUCATION NEEDS AMOUNT

Item	Column 1 Name of board	Column 2 Projected measures of variability amount, in dollars	Column 3 Projected special education statistical prediction model amount, in dollars	Column 4 Other staffing resources, in dollars
1.	Algoma District School Board	3,151,176	4,266,824	159,207
2.	Algonquin and Lakeshore Catholic District School Board	2,283,980	4,857,411	153,270
3.	Avon Maitland District School Board	1,807,387	6,950,979	187,974
4.	Bluewater District School Board	2,179,095	7,463,652	206,955
5.	Brant Haldimand Norfolk Catholic District School Board	1,853,101	4,262,110	131,246
6.	Bruce-Grey Catholic District School Board	1,174,680	2,060,488	69,434
7.	Catholic District School Board of Eastern Ontario	2,366,513	5,690,995	172,932
8.	Conseil des écoles publiques de l'Est de l'Ontario	3,648,217	5,860,673	204,082
9.	Conseil scolaire catholique MonAvenir	3,968,498	5,721,925	207,978
10.	Conseil scolaire catholique Providence	3,427,387	3,559,610	149,956
11.	Conseil scolaire de district catholique de l'Est ontarien	3,006,344	4,175,070	154,129
12.	Conseil scolaire de district catholique des Aurores boréales	1,143,031	321,705	31,436
13.	Conseil scolaire de district catholique des Grandes Rivières	3,080,593	2,678,592	123,605
14.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	4,830,765	8,441,990	284,863
15.	Conseil scolaire de district catholique du Nouvel-Ontario	3,402,075	2,678,692	130,507
16.	Conseil scolaire de district catholique Franco-Nord	1,589,490	1,280,861	61,604
17.	Conseil scolaire de district du Nord-Est de l'Ontario	1,865,376	958,680	60,611
18.	Conseil scolaire public du Grand Nord de l'Ontario	1,854,210	1,006,344	61,394
19.	Conseil scolaire Viamonde	3,731,990	4,046,432	166,942
20.	District School Board of Niagara	4,318,968	15,253,618	420,071
21.	District School Board Ontario North East	2,744,678	3,172,831	127,003
22.	Dufferin-Peel Catholic District School Board	8,052,564	28,685,298	788,476
23.	Durham Catholic District School Board	2,110,108	7,749,179	211,602
24.	Durham District School Board	7,590,810	26,440,750	730,393
25.	Grand Erie District School Board	3,298,953	11,278,136	312,857
26.	Greater Essex County District School Board	4,029,409	14,185,453	390,931
27.	Halton Catholic District School Board	3,234,842	12,070,668	328,490
28.	Halton District School Board	6,508,789	22,180,630	615,739
29.	Hamilton-Wentworth Catholic District School Board	3,099,987	11,733,666	318,363
30.	Hamilton-Wentworth District School Board	5,925,058	20,178,511	560,241
31.	Hastings and Prince Edward District School Board	2,494,736	6,781,225	199,083
32.	Huron Perth Catholic District School Board	1,144,066	1,985,445	67,166
33.	Huron-Superior Catholic District School Board	1,967,894	1,988,068	84,904
34.	Kawartha Pine Ridge District School Board	3,765,275	13,304,095	366,347
35.	Keewatin-Patricia District School Board	3,263,844	2,574,255	125,299
36.	Kenora Catholic District School Board	751,562	582,611	28,634
37.	Lakehead District School Board	2,737,757	3,688,137	137,914
38.	Lambton Kent District School Board	2,578,023	9,496,469	259,145
39.	Limestone District School Board	2,679,532	8,170,458	232,865
40.	London District Catholic School Board	2,174,888	8,006,005	218,505
41.	Near North District School Board	2,466,433	4,616,089	152,007
42.	Niagara Catholic District School Board	2,171,710	8,586,299	230,891
43.	Nipissing-Parry Sound Catholic District School Board	829,388	1,159,431	42,684
44.	Northeastern Catholic District School Board	990,012	1,010,559	42,937
45.	Northwest Catholic District School Board	903,938	543,911	31,074
46.	Ottawa Catholic District School Board	4,497,324	15,714,033	433,781
47.	Ottawa-Carleton District School Board	8,077,151	26,961,451	752,006
48.	Peel District School Board	16,705,478	53,291,210	1,502,284

Item	Column 1 Name of board	Column 2 Projected measures of variability amount, in dollars	Column 3 Projected special education statistical prediction model amount, in dollars	Column 4 Other staffing resources, in dollars
49.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1,884,841	6,159,547	172,650
50.	Rainbow District School Board	3,355,599	5,520,170	190,494
51.	Rainy River District School Board	1,096,939	1,163,359	48,511
52.	Renfrew County Catholic District School Board	1,373,105	2,171,194	76,069
53.	Renfrew County District School Board	2,082,784	4,255,095	136,025
54.	Simcoe County District School Board	7,062,206	21,383,365	610,505
55.	Simcoe Muskoka Catholic District School Board	3,181,125	8,877,786	258,811
56.	St. Clair Catholic District School Board	1,789,542	3,694,560	117,701
57.	Sudbury Catholic District School Board	1,795,859	2,523,985	92,713
58.	Superior North Catholic District School Board	387,120	267,126	14,042
59.	Superior-Greenstone District School Board	656,788	630,630	27,631
60.	Thames Valley District School Board	8,834,899	31,477,791	865,200
61.	Thunder Bay Catholic District School Board	2,240,199	3,153,753	115,766
62.	Toronto Catholic District School Board	9,164,835	35,152,967	951,158
63.	Toronto District School Board	25,832,728	90,443,894	2,495,555
64.	Trillium Lakelands District School Board	2,325,200	7,695,507	215,067
65.	Upper Canada District School Board	4,104,970	11,945,352	344,476
66.	Upper Grand District School Board	3,720,531	13,215,739	363,490
67.	Waterloo Catholic District School Board	2,359,590	8,626,327	235,782
68.	Waterloo Region District School Board	7,487,413	23,850,067	672,572
69.	Wellington Catholic District School Board	1,542,235	2,925,720	95,892
70.	Windsor-Essex Catholic District School Board	2,227,074	7,891,650	217,170
71.	York Catholic District School Board	4,911,154	18,753,808	507,903
72.	York Region District School Board	12,108,241	43,953,579	1,203,211

Ministry of Education

Ministère de l'Éducation

Deputy Minister

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2019: B07

**MEMORANDUM TO:** Directors of Education  
Supervisory Officers of School Authorities

**FROM:** Nancy Naylor  
Deputy Minister  
Ministry of Education

**DATE:** March 11, 2019

**SUBJECT:** Supporting Students with Autism Spectrum Disorder

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The Ministry of Education recognizes that as a result of the recently announced changes to the Ontario Autism Program (OAP), children and youth with ASD will be entering school and/or transitioning from part time to full time school, beginning in April 2019 and into the 2019-20 school year.

To support school boards in responding to the needs of these students, the ministry intends to provide additional funding for the remaining months of the 2018-19 school year. The ministry will also provide a range of new and ongoing supports for the 2019-20 school year.

Please note that hiring of staff with expertise to support newly enrolled students with ASD, or students with ASD transitioning from part time to full time school, should proceed in order to support these students.

### **2018-19 School Year**

To address school boards' in-year needs, the ministry intends to provide for an extended count date for those students who have been receiving OAP services and are newly enrolling in the April to June 2019 school months. School boards will report enrolment as of March 31 as usual. However, an extended count date will allow school boards to receive full school year funding for eligible, newly enrolled students for the remaining months of the 2018-19 school year. This mechanism will provide an average of \$12,300 per pupil to allow boards to plan supports for the remainder of the current school year.

The ministry will propose a change to the 2018-19 GSN regulation to support this funding and will further advise school boards about the proposed regulation change.

### **2019-20 School Year**

For the 2019-20 school year, the ministry intends to provide additional funding, and continued funding, to support school boards and students with ASD. The supporting initiatives are outlined below.

The ministry will propose a 2019-20 GSN regulation to support this funding and will further advise school boards about this proposed regulation.

### **Promoting Professional Learning**

The ministry is committed to supporting school boards, school leaders, teachers and educational assistants (EAs) to be well prepared to support students with ASD.

Currently, over 70,000 of Ontario's teachers have additional qualifications in special education. Over 1,000 have additional qualifications for Teaching Students with Communication Needs (Autism Spectrum Disorder). The ministry will provide \$1 million in annual funding to fully subsidize teachers who wish to acquire the Teaching Students with Communication Needs (Autism Spectrum Disorder) additional qualification. The ministry anticipates that this support would allow up to 4,000 teachers to acquire this qualification over the next three years.

The ministry will also increase training opportunities available to school boards by doubling annual funding for the Geneva Centre for Autism to \$2 million to provide training opportunities for educators, including teachers and EAs. Training will include access to the Registered Behaviour Technician (RBT) course. The ministry anticipates that up to 4,400 educators could be trained annually through this new investment.

In 2019-20, the ministry will request that school boards focus the special education topic on the list of Professional Activity Day permitted topics on supporting students with ASD. Policy/Program Memorandum 151 will be amended to include this direction.

In 2020-21, the ministry will mandate that school boards support learning opportunities for all educators in supporting students with ASD, within a professional activity day.

The ministry will support new teachers by revising the New Teacher Induction Program (NTIP) Induction Elements Manual to include increased ABA-based training opportunities.

### **Funding for Student Supports**

The ministry will continue all aspects of Grants for Student Needs (GSN) special education funding in 2019-20, including key allocations that are intended for students who require significant supports. Special education funding is projected to be \$3.01 billion in 2018-19, which will continue in 2019-20.

A number of components of special education funding are claims based and responsive to changes in enrolment of students with high needs. School boards are encouraged to access these allocations and to engage the ministry if additional flexibility is required to ensure this funding is fully available for students with ASD.

In particular, school boards are reminded of existing components of special education funding, which may be particularly relevant in supporting newly enrolled students with ASD:

- The Behaviour Expertise Amount Allocation (BEA) provides funding for school boards to hire board-level ABA expertise professionals. These professionals support principals, teachers, educators and other school staff by providing and coordinating ABA coaching, training and resources. They are also intended to support transitions, collaboration and information sharing between community-based autism service providers, school staff and families. This funding also provides for training opportunities to build school board capacity in ABA. The BEA allocation will be \$15.2 million in 2018-19 and will be continued in 2019-20.
- The Special Incidence Portion (SIP) provides up to \$27,405 for students who require more than two full-time staff to address the health and safety needs of both the high-need student and others at their school. School boards may submit SIP claims to the Ministry of Education regional offices for approval. The SIP allocation is projected to be \$105.3 million in 2018-19 and will be continued in 2019-20. Administrative dates for SIP claims will be extended in 2018-19 for eligible students.
- The Special Equipment Amount (SEA) provides enrolment-based and claims-based funding for school boards to support high need students. This funding can be used for computers and communication technology, and non-computer based equipment including sensory equipment. The SEA allocation is projected to be \$106.6 million in 2018-19 and will be continued in 2019-20. Administrative dates for SEA claims will be extended in 2018-19 for eligible students.
- Multi-Disciplinary Team (MDT) funding was introduced in 2018-19 to support high need students, including students with ASD. School boards are continuing to recruit staff with appropriate credentials to fully benefit from this funding. The ministry will work with MCCSS and school boards to facilitate the recruitment of staff with appropriate expertise. The MDT funding allocation will be \$50.8 million in 2018-19 and will be continued in 2019-20.

### **Expanding After School Skills Development Programs**

The ministry has been supporting a pilot program in many boards to allow the provision of the After School Skills Development Program. The ministry will make an investment of \$6.1 million to allow this successful pilot to be extended to all school boards across the province in the 2019-20 school year.

## Supporting Transitions

The Ministry of Education and the Ministry of Children, Community and Social Services will continue supporting transitions of children with ASD to school through the *Connections for Students* model, during the transition to the redesigned OAP.

The ministry will also host a series of virtual sessions about exclusions and modified days to engage parents, educators, administrators and others in a dialogue about these complex issues. The details will be communicated at a later date.

The ministry will survey school boards regularly to assess the impact of increased school enrolment and attendance by children and youth with ASD as they transition into the school system. The ministry will also ask boards to provide information on their websites for families seeking to enrol their children and youth.

If you have any additional questions, please reach out to your local EDU regional offices. A list of regional offices can be found by visiting [www.edu.gov.on.ca/eng/parents/offices.html](http://www.edu.gov.on.ca/eng/parents/offices.html)

We want to thank school boards for their ongoing dedication to providing programs and supports to all students, including those with ASD. We remain committed to safe and healthy learning environments for all students and staff.

*Original signed by*

Nancy Naylor  
Deputy Minister

C: Council of Ontario Directors of Education (CODE)  
School Business Officials

**Ministry of Education**

Deputy Minister

Mowat Block  
Queen's Park  
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**Ministère de l'Éducation**

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**2019:B08**

**Date:** March 15, 2019

**Memorandum to:** Directors of Education  
Secretary/Treasurers of School Authorities

**From:** Nancy Naylor  
Deputy Minister

**Subject** New Vision for Education

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Today, the government released its new vision for education, *Education that Works for You*. I am writing to provide you with an overview of the vision and its key elements.

**MODERNIZING CLASSROOMS IN ONTARIO**

As you know, the ministry has been consulting with education partners to seek feedback on class size considerations.

The ministry held in-person meetings in January 2019 with the teachers' federations, trustees' associations and education worker unions to gather feedback. School boards, principals/vice-principals' associations and other education sector partners were also invited to provide written feedback between January 23 and February 22, 2019.

The ministry received almost 500 written submissions from the public, including parents, teachers and early childhood educators. While the prior phases of the consultation are now complete, the ministry has invited partners to continue this important dialogue through the next consultation.

This consultation will ensure partners can provide feedback on the government's proposed plans.

The consultation period will continue until May 31, 2019. To provide families, staff, and school boards with certainty on the government's direction, the government will move

forward on next steps, including any required legislation, in time for the next school year.

## **Class Size**

The government is committed to supporting students and families as education funding is modernized in a responsible manner.

The government looks forward to the continued consultation with education partners to help shape the government's plans. The proposed changes for 2019-20 are as follows:

- Kindergarten – There are no proposed changes to either the caps or the average class size requirements. Funded average class sizes would remain at the current level of 25.57 and there would be a minimal reduction to funded Registered Early Childhood Educators (RECEs) from 1.14 to 1.0. This will not change the educator to student ratio. The ministry will also introduce new funding to assist with RECE supply costs.
- Primary (grades 1 to 3) – hard caps remain in place. There are no proposed changes to either the caps or the average class size requirements.
- Intermediate (grades 4 to 8) – all school boards would be required to maintain a board wide average class size of 24.5 or less, while the funded average class size would be minimally increased from 23.84 to 24.5. This would standardize funding and class sizes across the province as historically, there has been variability for these grades.
- Secondary (grades 9 to 12) – average class size requirements adjusted from 22 to 28 students to align secondary class sizes more closely with other jurisdictions across Canada. School boards would be required to maintain a board wide average class size of 28 or less and the funded average class size would be increased to 28 to support this change. In addition, school operations funding would be adjusted accordingly.

The consultation period will continue until May 31, 2019. To provide families, staff, and school boards with certainty on the government's direction, the government will move forward on next steps, including any required legislation, in time for the next school year.

## **E-learning**

The government is committed to modernizing education and supporting students and families in innovative ways that enhance their success. A link to e-learning courses can be found here: [www.edu.gov.on.ca/elearning/courses.html](http://www.edu.gov.on.ca/elearning/courses.html)



Starting in 2020-21, the government will centralize the delivery of all e-learning courses to allow students greater access to programming and educational opportunities, no matter where they live in Ontario. The average class size would be adjusted to an average of 35.

Secondary students will take a minimum of four e-learning credits out of the 30 credits needed to fulfill the requirements for achieving an Ontario Secondary School Diploma. That is equivalent to one credit per year, with exemptions for some students on an individualized basis. These changes to graduation requirements will be phased in, starting in 2020-21.

With these additional modernizations, the secondary programming amount in the Pupil Foundation Grant will no longer be provided, effective September 2019.

### **Attrition Protection**

The government is committed to achieving greater financial sustainability in the education system without involuntary front line lay-offs. The proposed changes to class sizes may have implications for teacher staffing in Ontario school boards.

The ministry plans to introduce a new funding allocation that will top-up school boards where the change in funded teachers exceeds the actual attrition and other voluntary leaves. With this support in place, it is expected that boards will not be required to initiate lay-offs of teachers associated with the proposed changes in class sizes. The ministry will provide attrition protection for up to four years, allowing boards to phase in the proposed class sizes.

The attrition protection would apply to the proposed class size policy changes, including e-learning. Regarding declining enrolment, school boards should follow their normal processes, but should account for teacher retirements, voluntary departures, and their declining enrolment allocation to avoid lay-offs. Some Ontario school boards may be in this position, as in previous years.

School boards are advised to exercise restraint in hiring to replace retiring teachers or teachers leaving voluntarily.

### **Hiring Practices**

Ontario Regulation 274/12, under the *Education Act*, established mandatory processes that all English-language school boards must follow when hiring long-term occasional and permanent teachers.

However, since its implementation in 2012, stakeholders, including parents, principals, directors of education and teachers, have raised concerns about the regulation – such as increased principal workload and classroom teacher turnover.

The ministry held in-person meetings in January 2019 with the teachers' federations, trustees' associations and education worker unions to gather feedback. Stakeholders were also invited to provide written feedback. The ministry received 80 written submissions from stakeholders and the public. The majority of submissions were supportive of increased teacher mobility. While the prior phases of the consultation are now complete, the ministry has invited partners to continue this important dialogue through the next consultation.

To address these concerns, the government's objective is to work with its education partners to improve teacher mobility while increasing transparency, fairness, consistency, and accountability in teacher hiring across all school boards. The government's goal is to ensure that students are supported by qualified teachers and that principals are able to hire teachers based on merit who are a good fit for the role.

### **Grants for Student Needs Funding**

There will be limited changes made to the GSN in the following areas:

#### Local Priorities Fund

The Local Priorities Fund (LPF), first established in 2017-18 during the last round of collective bargaining, expires on August 31, 2019. Whether the funding for staffing is extended is an issue subject to the upcoming central collective bargaining process. The increases related to salary will continue as well as the principals' and vice-principals' funding which is not set to expire until August 31, 2020.

#### Cost Adjustment Allocation

Historically, the base amount of the Cost Adjustment Allocation was providing supplemental funding for education worker benchmarks. As school boards have flexibility through other grants in the GSN to address their staffing needs, this amount has been discontinued for the 2019-20 school year.

#### Human Resource Transition Supplement

The Human Resource Transition Supplement was intended to be a temporary support to assist school boards with the negotiated 2017-19 agreements. This temporary transitional supplement amount has been discontinued for the 2019-20 school year.

#### Classroom Loading Factors

To reflect the proposed secondary class size changes, the factors that determine the amount of funding for the operation of school facilities will be adjusted.

#### Utilities Funding

As in previous years, funding will be increased to support increased costs associated with the heating and lighting of school facilities.

### Student Transportation Funding

As in previous years, funding will be increased to support higher costs associated with student transportation. Also, additional funding supports are planned for school boards that run efficient transportation operations but for which the costs of student transportation exceed the funding provided for that purpose.

Finally, the ministry intends to undertake a review of the student transportation funding formula in order to achieve a more efficient and accountable student transportation system in Ontario.

### Continued Implementation of 2017-19 Central Labour Agreements

As in previous years, funding will be increased to reflect the salary adjustments related to the 2017-19 Central Labour Agreements.

### Timing of Annual Grant Announcement

More details, including board-by-board allocations, will be available as part of the annual funding formula announcement planned for later this spring. The summarized information in Appendix A is intended to guide school boards about key policy changes to assist in upcoming planning and budgeting cycles prior to the funding announcement planned to be released prior to the end of April.

## **Technology (Broadband)**

Broadband is foundational for supporting modernized, digital learning in the classroom.

Ontario students and educators will have access to reliable, fast, secure and affordable internet services at school at a speed of one megabit per-second per-student in all regions of the province. The project will be completed by 2021-22 and will include all boards, schools and students.

To complete this project, the needs of each school will be individually assessed, and then individual technical solutions will be implemented. Broadband expansion is already underway at a majority of northern and rural schools. Thirty-two per cent of northern schools have completed their upgrades, and 35 per cent of rural schools have been completed.

## **Cellphones**

During the government's consultation on education reform in fall 2018, parents, students and teachers expressed the view that cell phones have the potential to be useful learning tools – but too often they are a distraction from learning and have a negative impact on the classroom experience.

In response to this feedback, the Provincial Code of Conduct will be updated to prohibit cell phone use in schools during instructional time as of September 2019.

Use of personal mobile devices (e.g. cell phones) during instructional time will be permitted under the following circumstances:

- For educational purposes, as directed by the educator
- For health and medical purposes
- To support special education needs.

Boards and stakeholders will be consulted to ensure students and parents are clear on the new guidelines, including exceptions.

### **Education Quality and Accountability Office**

Student achievement is one of the keys to success in a competitive global economy. The Education Quality and Accountability Office (EQAO) can provide vital data and research to reinvigorate education in Ontario, help improve student learning at the provincial, board and school level, and help identify achievement gaps to promote greater equity in the publicly funded education system.

Therefore, the government is committed to working with EQAO to modernize the agency and its processes while using data to build better assessment and evaluation models that have a greater focus on equity.

### **MODERNIZING LEARNING IN ONTARIO**

The government's new vision for education will modernize learning throughout the province's education system.

Following the feedback from the consultation on education held last fall, the province will be moving forward with changes in the following areas:

#### **Math**

The government has announced a new four-year math strategy to ensure students have a strong understanding of math fundamentals and how to apply them. This strategy will:

- Improve student performance in math
- Help students solve everyday math problems
- Increase students' employability into the jobs of tomorrow.

The strategy will feature a new math curriculum for all students in all grades phased in over four years. The curriculum will emphasize basic concepts and skills contributing to students' future success and be accompanied by parent and teacher resources. The first elements of the new curriculum will be available in September 2019.

In addition to an improved curriculum, online resources will be available to support student learning. The government has also introduced legislation that will require new

teachers to pass a math content knowledge test before they enter the classroom in a professional capacity. If passed, this legislation will ensure teachers are confident and capable in teaching math and by the spring of 2020, will be required to pass the test in order to be certified by the Ontario College of Teachers.

For teachers already in the system, the government will provide funding to support additional qualification courses in math.

### **Science, Technology, Engineering and Math**

The government is committed to preparing Ontario students for success by equipping them with the skills they need in Science, Technology, Engineering and Math (STEM).

The new STEM Education Strategy will enable Ontario to become a global leader in STEM learning. By partnering with educators, students, parents, post-secondary institutions as well as industry leaders, the government will create new and enriched learning experiences in STEM.

An immediate step will be a revised mandatory Career Studies Grade 10 course. This revised course will explore high-growth industries, including STEM, which will reflect new mandatory learning for students. This course will be released in late May for implementation in September 2019.

The strategy will also include revised Business Studies and Computer Studies curricula focused on developing job skills such as entrepreneurial skills, computational thinking and coding. In 2019-20, the ministry will begin research and benchmarking against other jurisdictions as a foundation for revisions to these curricula.

### **Skilled Trades**

Ontario students have experienced significant success through the Specialist High Skills Major and Dual Credit programs, which have provided opportunities for students to experience skilled trades and apprenticeships. The Ministry of Education will work closely with the Ministry of Training, Colleges and Universities to increase student and parent exposure to skilled trades, technology and apprenticeship training, and focus on promoting this high-demand career pathway.

We want to ensure that students are exposed to:

- A broad range of opportunities that will offer exposure to skilled trades and technology careers, and that they are exposed to these opportunities starting in elementary school.
- Experiential, hands-on learning through community partnerships and co-op placements.

## **Financial Literacy**

Financial literacy learning is essential to student success to build a well-educated responsible workforce and prepare Ontarians for a more prosperous future.

Financial literacy will be a major component of the mandatory learning in the revised Grade 10 Career Studies course which will be released in late May for implementation in September 2019.

It will also be an area of focus in the revised math curriculum being phased in for all grades.

## **Indigenous Education**

A revised First Nations, Métis, and Inuit Studies curriculum for Grades 9-12 will be released in late May for implementation in September 2019. The curriculum was developed in collaboration with Indigenous partners to increase learning about Indigenous perspectives, cultures, contributions and histories.

Building on this, the government will continue to work with Indigenous partners to develop an approach for more curriculum revisions across subjects, grades and courses, to strengthen Indigenous content and learning.

## **Health and Physical Education (HPE)**

Following feedback from the largest provincial consultation on education, the government heard the need for an HPE curriculum that is age-appropriate and relevant. The revised elementary HPE curriculum will be released in late May for September 2019 implementation. From now until the end of the 2018-2019 school year, educators will continue using the 2018 curriculum, their professional judgement, and age-appropriate resources to teach the students in their classroom.

To ensure parents are respected, the ministry will provide an opt-out policy similar to other jurisdictions. The ministry will also be introducing online modules for parents who may want to introduce topics at home whenever their child is ready. Both of these options will be available for the 2019-20 school year.

## **Digital Curriculum**

A new digital platform will be phased in to modernize access to Ontario's curriculum. This new digital space will help educators, parents and students access curriculum and learning resources in a user- and mobile-friendly manner and will become increasingly interactive over time. The first phase of the new platform will be launched in September 2019 and will grow steadily with more content and features, in line with user needs and feedback.

The initiatives set out in this memorandum would be supported by proposed changes to the GSN regulation, and other legislation, where necessary. The ministry will provide further information about any legislative changes as they are brought forward.

We want to thank school boards for their ongoing dedication to providing programs and supports to all students. We look forward to continued consultation with education partners and collaboration on the government's priorities for education.

*Original signed by*

Nancy Naylor  
Deputy Minister

## Appendix A: Planning Assumptions

To support board planning, the table below summarizes the changes that boards can plan for with respect to funding subject to consultations, negotiations and potential legislative changes.

The ministry anticipates the annual funding formula to be released in late April.

Description	Funding Changes *
Kindergarten	<ul style="list-style-type: none"> <li>Funded Early Childhood Educators (ECE) classroom staffing ratio change from 1.14 FTE to 1.0 FTE</li> </ul>
Grades 1 to 3	<ul style="list-style-type: none"> <li>Funded average class sizes remains at 19.8</li> </ul>
Grades 4 to 8	<ul style="list-style-type: none"> <li>Funded average class size adjusted from 23.84 to 24.5</li> </ul>
Grades 9 to 12	<ul style="list-style-type: none"> <li>Funded average class size adjusted from 22 to 28</li> </ul>
E-learning	<ul style="list-style-type: none"> <li>Funded average class size adjusted to 35 starting in 2020-21 school year</li> </ul>
Secondary Programming amount in Pupil Foundation Grant	<ul style="list-style-type: none"> <li>Funding to end August 31, 2019</li> </ul>
Local Priorities Fund	<ul style="list-style-type: none"> <li>Funding to end August 31, 2019</li> </ul>
Cost Adjustment Allocation	<ul style="list-style-type: none"> <li>Base amount to end August 31, 2019</li> </ul>
Human Resource Transition Supplement	<ul style="list-style-type: none"> <li>Funding to end August 31, 2019</li> </ul>
Classroom Loading Factors in School Facility Operations and Renewal Grant	<ul style="list-style-type: none"> <li>Five-year phase-in of a new Supplementary Area Factor for school facility operations to reflect proposed secondary class size changes.</li> </ul>
School Facility Operations and Renewal Grant (Utilities)	<ul style="list-style-type: none"> <li>A 2 per cent update to the non-staff portion of the operating cost benchmark under the School Facility Operations and Renewal Grant (School Operations Allocation) to assist in managing increases in commodity prices (electricity, natural gas, facility insurance, and other costs).</li> </ul>
Student Transportation	<ul style="list-style-type: none"> <li>A 4 per cent cost update adjustment, net of previous years' transportation surplus, if any.</li> <li>Funding for school boards running transportation deficits and have demonstrated efficient consortia operations.</li> </ul>
Attrition Protection for Teachers for Class Size Changes (including e-Learning)	<ul style="list-style-type: none"> <li>Funded class sizes and staffing parameters in the Pupil Foundation Grant as well as other related components in the GSN would be adjusted to reflect the above proposed changes to class sizes.</li> <li>If the reduction in the funded teacher FTE amount after these changes exceeds attrition, a top-up in funding will be provided so that the funded change does not exceed attrition.</li> </ul>



Description	Funding Changes *
	<ul style="list-style-type: none"> <li>• Attrition is the sum of actual retirements and other voluntary leaves. This calculation will be done for each panel separately. Declining enrolment is not covered by attrition protection.</li> <li>• With this support in place, boards can avoid teacher lay-offs.</li> </ul>
Salary Benchmarks	<ul style="list-style-type: none"> <li>• To be adjusted by 1 per cent to support previously negotiated central collective agreements, as well as the amount for the provincial terms and conditions agreement for Principals and Vice-Principals.</li> </ul>

\* Proposed funding changes are subject to consultations, negotiations and potential legislative changes.

**Ontario Enhancing Support for Children with Autism**

*New actions include removing income testing for Childhood Budgets and further expanding eligible services.*

March 21, 2019 10:00 A.M.

TORONTO - Ontario's government is putting people first by enhancing the Ontario Autism Program, which comes into effect on April 1, 2019.

"Our government is fully committed to transforming how autism services are delivered in Ontario," said Lisa MacLeod, Minister of Children, Community and Social Services. "The government is working to move all 23,000 children off the waitlist as quickly as possible within the next 18 months."

MacLeod highlighted that one of the enhancements the government is exploring is how best to provide additional supports to families based on the diagnosed needs of their child.

"Parents were right when they said that autism is a spectrum and that there are different needs for children on the spectrum," MacLeod added. "I'll take their input for the next several months to assess how we better support those with more complex needs and provide additional sources of support to them."

The government is working on its previously announced reforms, particularly to ensure all children receive support.

**Moving Children Off the Waitlist**

The government is working to move all 23,000 children off the waitlist so they have timely access to support.

Children will be brought off the waitlist based on a combination of the time they have been waiting for service, and with a continued focus on early intervention. Considerations will be made for children five years of age and youth 17 years of age to ensure they receive the maximum remaining funding.

The government will explore options to provide children who are currently on the waitlist with Childhood Budgets on a quicker timeline, especially younger children.

To build on previously-announced changes to the program, the government is:

## **Eliminating Income Testing**

All families of children and youth under the age of 18 with a written diagnosis of autism from a qualified professional will now be eligible for a Childhood Budget. Children under the age of six will receive \$20,000 annually in direct funding, while those six and over will receive \$5,000 annually.

## **Expanding Eligible Services**

Through Childhood Budgets, families will have access to a broader range of eligible services, such as speech language pathology, physiotherapy, and occupational therapy. Full details on eligible services will be posted on the ministry's website in early April.

## **Smoothing the Transition for Families Receiving Services**

All children who currently have an Ontario Autism Program Behaviour Plan will continue to receive the services outlined in that plan until its end date. Families will then be able to renew it for six months at its current level of intensity.

"We continue to work to support children with autism, and their families," concluded MacLeod.

"The new Ontario Autism Program with its enhancements is the best possible program Ontario can deliver and it is the only program in the history of our province that will support every single child."

---

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[Disponible en Français](#)

## EASTER SEALS ONTARIO

- ◆ Easter Seals Ontario has been serving children and youth with physical disabilities since 1922.
- ◆ Thanks to the kindness and generosity of our donors, Easter Seals offers programs and services that enable kids to experience freedom and independence and focus on what they can do rather than on their limitations. Together, we are helping kids BE KIDS.
- ◆ Easter Seals is a registered charitable organization that helps children and youth with physical disabilities from all ethnic and religious backgrounds. We assist families with the purchase of essential mobility and accessibility equipment such as wheelchairs, walkers, porch lifts and ramps, as well as toileting aids and bathing equipment.
- ◆ Easter Seals helps kids with a variety of physical disabilities and medical conditions, including cerebral palsy (CP), spina bifida, muscular dystrophy (MD), spinal muscular atrophy (SMA), spinal cord and brain injury as well as and genetic abnormalities.
- ◆ By providing funding for mobility and accessibility equipment, Easter Seals performs an essential service to families who might not otherwise have the financial resources to obtain this equipment for their child. Government agencies cover some of the costs of equipment for mobility and accessibility, but not all. For some essential items like bathing and toileting equipment, there is no government funding available.
- ◆ Of the families who requested funding for equipment from Easter Seals and self-reported their annual income in 2018, **63% reported a total family income under \$60,000**. In addition, **48% of families had a total annual household income under \$40,000; and 25% had a total family income under \$20,000**.
- ◆ In 2018, Easter Seals fulfilled 786 approved requests for funding for equipment totaling \$1.35 million. In addition 753 campers participated in Easter Seals' camping and recreation programs.
- ◆ Easter Seals is an industry leader in providing specialized recreation programs at its two fully accessible camps, Camp Woodeden in London, Ontario and Camp Merrywood, near Perth, Ontario. The camps offer youth with physical disabilities important opportunities for social development, friendships and the development of independence skills.
- ◆ Easter Seals owns and operates two fully accessible camp properties. Camp Woodeden features a number of sports activities, including an indoor rock climbing wall, full-size gymnasium and a high ropes course. Camp Merrywood features a covered concrete sports pad for sledge hockey and wheelchair basketball as well as a variety of water sports such as sailing, canoeing and kayaking.
- ◆ Easter Seals programs and services are funded entirely through donations by individuals, sponsors and foundations.
- ◆ Easter Seals' website, [EasterSeals.org](http://EasterSeals.org), provides information for donors, volunteers, families, kids and the general public – including links to service providers, suppliers, activities and other valuable resource information.

# **LISTENING TO ONTARIANS WITH DISABILITIES**

## **REPORT OF THE THIRD REVIEW OF THE ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005**

THE HONOURABLE DAVID C. ONLEY

REVIEWER

JANUARY 2019

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## INTRODUCTION

A year ago, I was honoured to be appointed to lead the Third Review of the Accessibility for Ontarians with Disabilities Act. From the outset, my intent has been to produce a report that not only reflects my views on accessibility but also speaks for the 2.6 million Ontarians with disabilities and their families and loved ones.

I remember well the days when the AODA was enacted in the spring of 2005. One of the main points in the exciting new law was that it set a deadline for achieving accessibility for people with disabilities – January 1, 2025. To me and many others in the disability community, that date seemed a long way off. Surely, we thought, we'll easily get accessibility done in 20 years – and hopefully a lot sooner.

Alas, here we are almost 14 years later, and the promised accessible Ontario is nowhere in sight. The vision in the AODA has, by and large, turned out to be a mirage. Every day, in every community in Ontario, people with disabilities encounter formidable barriers to participation in the vast opportunities this province affords its residents – its able-bodied residents – as will be fulsomely described later in this report. For most disabled persons, Ontario is not a place of opportunity but one of countless, dispiriting, soul-crushing barriers.

The AODA promised to prevent and remove these barriers. Despite enormous efforts by untold legions of people to implement this law and deliver on its promise – from standards development committees and the consultations they involved, to those who have laboured to improve accessibility in obligated institutions – the results are highly selective and barely detectable.

One thing you can see when you look around Ontario's public buildings and shopping malls is the blue wheelchair symbol. This is misleading. It gives the impression everything is accessible when in fact – though there are some accessible features – this province is mostly inaccessible.

As you will see by reading about what people told the Review, Ontarians with disabilities are fed up with this situation. In fact, the overwhelming emotions expressed at our hearings were both anger and profound frustration. We are the only minority group in our society that faces blatant, overt discrimination and whose civil rights are infringed upon every day from multiple directions. I understand of course that there is still discrimination based on the other protected grounds in the Human Rights Code, but this at least is generally kept under wraps.

On the other hand, for a person using a wheelchair, stairs are like a sign that says you can't enter here. The same goes for a Deaf student in a classroom without captioning or a blind woman trying to find her way in a building without accurate Braille signage. The message is: you don't belong here, we don't want you here and, while we won't say it out loud, we will make it clear by our design barriers that this place is not for you or for any of your kind. Design barriers are no different than the signs of a bygone era in foreign countries, telling people which water fountains they could or could not use and which restaurants or buses they could or could not



use. Design barriers are no different than signs telling members of racial or religious minorities to stay away! As harsh a word as it is, the only correct one is discrimination. Design barriers discriminate. Sadly, much of the built environment in Ontario today is hostile towards people with disabilities.

This kind of discrimination must end. It is a violation of human rights. And if this is not reason enough, a true crisis is looming with the expansion of the 65-and-over age group. More seniors will result in more people with disabilities, since disability increases sharply with age.

Today, there are more Canadians 65 and over than there are children 14 and under – and there could eventually be twice as many. The aging trend is not a temporary blip but a long-term reality that has been forecast to continue until 2063 and perhaps beyond. It represents a fundamental, lasting transformation of our society. And the failure to make Ontario accessible means that this province is woefully unprepared for the demographic tsunami that is beginning to arrive.

I am very pleased that the terms of reference for this Review are somewhat broader than those of the previous two Reviews, which were limited to examining the effectiveness of the AODA and its regulations. Recognizing that accessibility means more than complying with the law, the Third Review is also covering broader cultural change to further an accessible Ontario beyond 2025.

Later in this report, I will offer a series of recommendations designed to foster the barrier-free Ontario we all seek and to solve some of the problems that people with disabilities encounter on a daily basis. The recommendations respond to the many voices heard during the Review's consultations.

To set the stage, the next section of the report – An Evolving Context – will present background information on accessibility and the AODA. This is followed by a summary of input from the extensive consultation process in the section on What the Review Heard.

To all of those who attended our hearings, submitted briefs, sent letters and emails or who stopped me to express your views on the lack of accessibility in Ontario today, thank you. I believe we have accurately represented your opinions in this Review.

## **AN EVOLVING CONTEXT**

This section presents background information to set the stage for the Review's analysis and Recommendations. Topics covered include: how the AODA fits into the legal framework for disability rights, how the AODA operates, what the current standards are, the findings of the first two Reviews of the AODA and the government response, other Canadian accessibility legislation, demographic trends and employment of people with disabilities.

### **Legal Safeguards for Disability Rights**

The Accessibility for Ontarians with Disabilities Act, 2005 (AODA) is part of a legal framework that protects the rights of Ontarians with disabilities and fosters their full participation in all aspects of society.

#### **Charter of Rights and Freedoms**

A foundation stone is Section 15 of the Canadian Charter of Rights and Freedoms – the equality guarantee that every individual has the right to the equal protection and equal benefit of the law without discrimination. This provision took effect in 1985 and includes mental or physical disability among the prohibited grounds. Section 15 applies only to the federal and provincial governments. However, the interpretation of this guarantee by the Supreme Court of Canada has strongly influenced decisions of other courts and human rights tribunals.

#### **Human Rights Code**

Ontario's Human Rights Code also prohibits discrimination on the basis of disability. This protected ground was added to the Code in 1982 using the term "handicap", which was changed to "disability" in 2002. Under the Code, every person has a right to equal treatment with respect to services, goods, facilities, housing, employment, and membership in trade unions, occupational associations or self-governing professions, without discrimination because of disability. The Code prohibits both direct and indirect discrimination – including constructive discrimination where a requirement, qualification or other factor that is not designed to discriminate in fact restricts or excludes a protected group. The Code has primacy over all other Ontario legislation, including the AODA, and the AODA does not diminish the legal obligations imposed by the Code.

The Code makes it clear that discrimination can be found only if the person with a disability is capable of fulfilling the essential requirements of the position or activity involved. However, people cannot be considered incapable if their needs can be accommodated without undue hardship, considering the cost, outside sources of funding and health and safety requirements.

As the Supreme Court of Canada observed in the late 1990s, “the principle of reasonable accommodation” is widely accepted in human rights jurisprudence.<sup>1</sup>

## **International Treaty**

In addition to this domestic legislation, Canada has ratified the Convention on the Rights of Persons with Disabilities that was adopted by the United Nations General Assembly in 2006. The Convention came into force for Canada in 2010.

The purpose of the Convention is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” As the Ontario Human Rights Commission has pointed out, the Convention “moves away from considering people with disabilities as recipients of charity towards being holders of rights.”<sup>2</sup> A key goal is to enable persons with disabilities to live independently and participate fully in all dimensions of life.

Among many other measures, the Convention commits states to take steps to ensure equal access to the physical environment, transportation, information and communications and other facilities and services open or provided to the public. These steps are to include the identification and elimination of obstacles and barriers to accessibility. More specifically, states are to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services.

As well, states are obliged to perform or promote research and development of universally designed goods, services, equipment and facilities as well as promoting their availability and use. Universal designs require the minimum possible adaptation and the least cost to meet the specific needs of persons with disabilities.

Though not part of Canadian law, the Convention may have a powerful impact on the way Canadian legislation is interpreted by the courts. The Supreme Court of Canada has held that the interpretation of domestic law should be consistent with Canada’s international commitments.<sup>3</sup>

At present, individuals cannot directly complain to the UN if they believe their rights under the Convention have been violated. However, the federal government in November 2017 tabled the Optional Protocol to the Convention in Parliament. This is a step toward Canadian accession to the Protocol that would allow the UN Committee on the Rights of Persons with Disabilities to consider complaints against Canada where all domestic avenues of recourse have been exhausted.

Ontario has won international recognition for its accessibility efforts. Most recently, the AODA was one of 15 accessibility policies cited as innovative at the February 2018 Zero Project

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<sup>1</sup> Eldridge v. British Columbia (Attorney General), [1997] 3 SCR 624, 1997 CanLII 327 (SCC), <<http://canlii.ca/t/1fqx5>> retrieved on 2018-08-01 at para. 79.

<sup>2</sup> Ontario Human Rights Commission, Policy on Ableism and Discrimination Based on Disability, 2016, p. 18.

<sup>3</sup> Idem.

conference in Vienna, from among 55 nominations from 32 countries. Funded by the Austria-based Essl Foundation, the Zero Project has adopted a mission to create a world with no barriers.

### **Case-by-Case Progress**

Rights under both the Charter and the Code are enforced on a case-by-case basis and, under both laws, disability-related cases have been numerous. A recently published research study analyzed 14 Charter challenges before the Supreme Court of Canada between 1985 and 2013 where a person with a disability sought freedom from discrimination under Section 15.<sup>4</sup> And, at the provincial level, 56 per cent of the 4,425 applications received by the Human Rights Tribunal of Ontario (HRTO) in 2017-18 involved disability.<sup>5</sup>

Legal proceedings of this type, however, have proven very cumbersome, costly and time-consuming. The average case processing time for all applications at the HRTO, for example, was 352 days in 2017-18. Removing barriers one case at a time has been extremely frustrating for those seeking wider and faster systemic change. This frustration was very much the taproot for new approaches to achieving accessibility that have emerged in Ontario over the past two decades.

### **Ontarians with Disabilities Act, 2001**

An early advance was the Ontarians with Disabilities Act (ODA), enacted in 2001, which covers the provincial government and the broader public sector. More than half of the sections of the ODA have now been repealed as their content has largely been absorbed into the regulations under the AODA.

In its original version, the ODA required provincial ministries, municipalities, public transportation organizations, hospitals, school boards, universities and colleges of applied arts and technology to prepare annual accessibility plans. It imposed specific obligations on the province concerning barrier-free design guidelines for new or renovated government buildings, accessible formats for government websites and publications, accessibility of goods and services purchased by the government for its own use, accommodation of government employees' accessibility needs and accessibility in government-funded capital projects.

As well, municipalities with a population of 10,000 or more were obliged to establish an accessibility advisory committee with persons with disabilities comprising a majority of members. In addition, municipalities were required to consider accessibility when procuring goods or services.

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<sup>4</sup> People with Disabilities and the Charter: Disability Rights at the Supreme Court of Canada Under the Charter of Rights and Freedoms. Canadian Disability Policy Alliance.  
<<http://www.disabilitypolicyalliance.ca/federal-disability-policy/people-with-disabilities-and-the-charter.html>> retrieved on 2018-07-11

<sup>5</sup> <<http://www.sjto.gov.on.ca/documents/sjto/2016-17%20Annual%20Report.html#hrto4>> retrieved on 2019-01-08

The ODA also created the Accessibility Directorate of Ontario (ADO) with a mandate to conduct research, develop and conduct public education programs, consult with obligated organizations on accessibility plans and make recommendations to improve opportunities for people with disabilities.

## **Accessibility for Ontarians with Disabilities Act, 2005**

The limited scope of the ODA led to calls to replace it with a stronger and more wide-ranging law. In response, the Ontario legislature unanimously passed the Accessibility for Ontarians with Disabilities Act in May 2005. The Act took effect upon Royal Assent on June 13, 2005.

The Act begins by recognizing the history of discrimination against persons with disabilities in Ontario. Its purpose is to “benefit all Ontarians by,

- (a) developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and
- (b) providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.”

The AODA uses the same definition of disability as the Human Rights Code, including:

- any degree of physical disability, infirmity, malformation or disfigurement caused by bodily injury, birth defect or illness
- a condition of mental impairment or a developmental disability
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language
- a mental disorder or
- an injury or disability covered by the Workplace Safety and Insurance Act, 1997.

The AODA applies to “every person or organization in the public and private sectors of Ontario” – including the provincial government and the Legislative Assembly. The AODA empowers the government to make regulations establishing accessibility standards that set out requirements for the identification, removal and prevention of barriers. A barrier is defined as anything that prevents a person with a disability from participating fully in all aspects of society because of his or her disability – including physical, architectural, information, communications, attitudinal and technological barriers as well as policies and practices. The standards also establish time periods for implementing the required measures.

## **Standards Development**

The Minister assigned to administer the AODA – now the Minister for Seniors and Accessibility – is responsible for establishing and overseeing a process to develop and implement all accessibility standards necessary to achieve the purposes of the legislation. As Charles Beer put it in his report on the First Review of the AODA, “The cornerstone of the AODA legislation is the development of accessibility standards through an inclusive stakeholder process.” To begin the process, the Minister is required to establish standards development committees (SDCs) to develop proposed standards to be considered for adoption as regulations. These committees include persons with disabilities or their representatives, representatives of the industries, sectors or classes of organizations to which the standard is to apply and representatives of ministries with related responsibilities. The Minister determines the terms of reference for each committee.

Each SDC determines long-term accessibility objectives by identifying the requirements to be implemented by 2025, as well as the timeframe for progressive implementation in stages of five years or less. The SDC then prepares an initial proposed standard, which the Minister releases for public comment. After considering the feedback, the committee makes any changes it finds advisable and finalizes the proposed standard. The Minister then has 90 days to decide whether to recommend that the government adopt the proposed standard by regulation in whole, in part or with modifications.

Each accessibility standard must be reviewed at intervals of five years or less after its adoption by regulation. At that time, the SDC re-examines the long-term objectives and develops a new proposed standard modifying the existing standard as needed. The standards development process used to develop the initial standard applies to each successive review.

## **Compliance and Enforcement**

The AODA requires organizations to file reports on compliance with standards when directed to do so. This self-reporting is the first step in a progressive enforcement system that also includes inspections, orders, administrative penalties and ultimately prosecutions and fines. Orders and penalties may be appealed to the Licence Appeal Tribunal, the tribunal designated by the government for this purpose.

## **Additional Provisions**

As well, the AODA creates the Accessibility Standards Advisory Council (ASAC), to be appointed by the Minister, with persons with disabilities comprising a majority of members. Its role is to advise on the standards development process, accessibility reports, public information programs and other matters. The AODA also continues the ODA requirement for municipal accessibility advisory committees (MAACs) and assigns them the additional duties of advising on the implementation of accessibility standards and the preparation of accessibility reports. In addition, the legislation maintains the ADO while assigning it new roles such as supporting the standards development process and advising on the form and content of accessibility reports

and enforcement methods. The AODA also calls for repeal of the ODA upon proclamation by the government; some sections have not yet been repealed.

Finally, the AODA requires periodic, comprehensive reviews of the effectiveness of the legislation and regulations. The Reviewer is to consult with the public, particularly with people with disabilities, and may make recommendations. This is the Report of the Third Review of the AODA.

### **Administrative Responsibility**

Responsibility for the administration of the AODA was transferred from the Minister of Citizenship and Immigration to the Minister of Community and Social Services in late June 2005, shortly after the legislation took effect. This role was assigned to the Minister of Economic Development, Trade and Employment (later Economic Development, Employment and Infrastructure) in early 2013 where it remained until the first Minister Responsible for Accessibility was appointed in mid-2016. Two years later, in June 2018, this responsibility was assigned to the newly created portfolio of Minister for Seniors and Accessibility.

### **Early Standards Development Work**

To begin implementation, the government announced that the first five standards to be developed would cover Customer Service, Transportation, Information and Communications, Employment and the Built Environment.

The Customer Service standards development committee, formed in January 2006, was the first to conclude its work, with the resulting standard becoming law at the beginning of 2008. The Transportation committee also started up in early 2006, while the Information and Communications, Employment and Built Environment committees all got under way in 2007.

The work of the four committees operating in late 2007 – all but the Customer Service committee that had finished its task – was interrupted by significant changes to their composition and procedures. In the original committees, people with disabilities were in the minority and government representatives had voting rights. At the urging of disability stakeholders, the government decided to change these arrangements, so that persons with disabilities or their representatives made up 50 per cent of the membership of each SDC, while government representatives would no longer be eligible to vote on committee decisions. It was also made clear that committees could vote on individual clauses rather than only on a proposed standard in its entirety. To achieve the 50 per cent level, additional members from the disability community were recruited to each of the four committees in early 2008. The timing of the changes slowed progress as some committees were already well into their work.

### **Where We Are Now: Current Standards**

As of the date of this Third Review, five standards have been established by regulation under the AODA.

## **Customer Service**

The first standard, on Customer Service, came into force on January 1, 2008. Its provisions were phased in, taking effect for the provincial government and the broader public sector in 2010 and the private sector (business and non-profits) in 2012. This was also the first standard to undergo the mandatory five-year review, which began in September 2013 and resulted in a revised standard that took effect July 1, 2016.

The standard applies to all providers of goods, services or facilities. It requires them to develop, implement and maintain policies for serving people with disabilities that are consistent with the principles of dignity and independence, integration, equal opportunity and communication that takes disability into account. Among other requirements, providers must train staff and volunteers in accessible customer service, create a process for receiving and responding to feedback, and permit service animals and support persons to enter the premises. A key change in the 2016 regulation removed the obligation for private sector organizations with 20-49 employees to document their accessible customer service policies and make them public, though reporting requirements remain in effect.

The next three standards were combined in the Integrated Accessibility Standards Regulation (IASR) that took effect on July 1, 2011. Again, the requirements were phased in, though coming into effect over a much longer timeframe, between 2011 and 2021. The standards are:

### **Information and Communications**

This addresses the way information is created and communicated. Organizations are required to provide accessible formats and communication supports on request. The standard also covers such areas as websites and web content, educational and training materials and resources, educator training and public libraries.

### **Employment**

This standard supports accessibility throughout the employment relationship. Among other provisions, it requires employers to: notify employees and the public that recruitment processes are accessible; accommodate the needs of job applicants on request; provide work-related information in accessible formats; provide customized emergency response information; and establish a process for developing individual accommodation plans. It also calls for accommodation in return to work, performance management, career development and redeployment processes.

### **Transportation**

This standard includes an array of policy, operational and technical requirements to prevent and remove barriers in both conventional public passenger services and specialized transportation services for persons with disabilities. Among the many areas affected are: accessibility planning, equipment and training; pre-boarding and on-board announcements; fares; priority seating and storage of mobility aids. Obligations are also imposed on municipalities that license



taxicabs and on school boards and other public sector organizations that offer transportation services.

### **Design of Public Spaces (Built Environment)**

A further standard, covering parts of the Built Environment, was added to the IASR on January 1, 2013. Applicable to newly constructed or redeveloped public-use areas, it was phased in between 2015 and 2018. It covers such public spaces and features as recreational trails and beach access routes, outdoor tables for eating, outdoor play spaces, outdoor sidewalks or walkways, off-street parking, waiting areas, service counters and queuing guides.

### **General Provisions**

In addition to the above standards, the IASR contains general requirements concerning: accessibility policies, multi-year accessibility plans, accessibility criteria and features in procurement, accessible self-service kiosks, and training of employees and volunteers on the IASR standards and the Human Rights Code.

Part I of the IASR, where the general standards appear, also spells out that the IASR applies to:

- the Government of Ontario and the Legislative Assembly
- public sector organizations including municipalities, school boards, hospitals, colleges of applied arts and technology, universities and public transportation services and
- every other person or organization that provides goods, services or facilities to the public and has at least one employee in the province.

In both the public and private sectors, small organizations are those with at least one but fewer than 50 employees, while large organizations have 50 or more employees.

As of July 1, 2016, the revised Customer Service standard was folded into the IASR, bringing all AODA standards into a single regulation in order to make the requirements easier to follow and implement.

### **Building Code**

One group of accessibility standards remains outside the IASR, however. Beyond the Design of Public Spaces standard, other requirements for the Built Environment are found in Ontario's Building Code, which has included barrier-free design provisions since 1975.

Enhanced accessibility standards covering most new construction and extensive renovations of buildings were incorporated into the Building Code effective January 1, 2015. The amendments update requirements in such areas as: visual fire alarms and smoke alarms; elevator access between storeys in most buildings; barrier-free path of travel throughout buildings, including power doors at entrances to a wider range of buildings; and the minimum number of visitable suites in apartment buildings, which was raised from 10 per cent to 15 per cent. The Building

Code does not apply to existing buildings where no work is planned, and most accessibility requirements do not affect houses.

### **Ongoing Standards Development**

Five-year reviews of three standards are now under way. The Transportation standards development committee started its review in February 2016, submitted initial recommendations for public comment in November 2016 and presented final recommendations for new standards in January 2018. The Employment SDC began meeting in March 2017 and its initial recommendations were posted for public comment in March 2018. The Information and Communications SDC also got under way in March 2017. The work of the Employment and Information and Communications SDCs was suspended prior to the spring 2018 election and resumed in late fall.

As well in 2017, the government started the process of establishing standards in two new areas – health care and education. The Health Care standards development committee began meeting in March 2017. It has been directed to focus on addressing barriers in the hospital sector and to consider such issues as communication with persons with disabilities, training on accommodation, and administrative accountability for accessibility. In education, two standards development committees were created – one on kindergarten to Grade 12 and one on the post-secondary sector. The committee chairs were named in December 2017 and both groups began work in February 2018. The activity of all three new committees was suspended before the spring election and has not resumed as of this writing.

### **First AODA Review – 2010**

The First Review of the AODA was conducted by Charles Beer, a former provincial Cabinet minister. He consulted widely with stakeholders and the public in developing his report, which was submitted in February 2010 and tabled in the legislature in May 2010. Mr. Beer called on the government to “breathe new life into the AODA” by implementing key recommendations including:

#### **1. Harmonize the accessibility standards before finalizing them as regulations.**

During consultations, his Review was told that the only standard in force at the time – Customer Service – and the draft standards then in progress contained overlapping content, differing timelines, gaps, inconsistencies and contradictions. The government largely implemented this recommendation through the IASR.

#### **2. Renew government leadership in implementation of the AODA by:**

- formally designating a Minister Responsible for Accessibility
- strengthening the Accessibility Directorate of Ontario by
  - elevating its assistant deputy minister to the rank of deputy minister and

- focusing its efforts on renewed priorities such as a provincial policy on accessibility, compliance and stakeholder support and, most importantly, public awareness and education.

The Beer Report also outlined a strategy for repeal of the ODA once the initial five standards were in place. It proposed a process for determining which ODA obligations, if any, should be moved into the AODA framework before repeal.

Little had been done to follow up on these suggestions by the time the Report of the Second Review of the AODA was tabled almost five years later.

### **3. Introduce a streamlined standards development process.**

Mr. Beer observed that, while the AODA process of creating standards through committees involving the disability community, the obligated sectors and government representatives was innovative and ground-breaking, it also encountered unexpected problems. In particular, his Review found that the process was challenged by the technical complexity of much of the subject matter; the absence of central coordination and direction; and uncertainty about feasibility, costs and the cumulative impact of standards.

Moreover, the changes to the process in late 2007, outlined above, unintentionally worsened the frustration. They led to confusion about committee procedures, increased the size of the committees (in some cases to close to 50 members) and contributed to delays as the work of some committees was well under way. One committee, for example, had already released its proposed standard for public review.

The Beer Report also noted that the standards development committee process would have been improved by:

- A clear governance and accountability framework including unambiguous terms of reference and transparent voting procedures
- A clear understanding of the role of government and the public interest in making decisions
- Explicit public policy and principles to guide the process
- More careful consideration of the composition of the committees to support a balance of perspectives and expertise
- Credible background research on evidence-based best practices in Ontario and elsewhere
- Technical and sectoral subcommittees where needed
- More transparent timelines for completing the process
- Formal orientation and training for committee members.

To address this array of challenges, Mr. Beer concluded that tinkering with the current process would not be enough. Instead, he proposed to replace the standards development committee process with an arm's length advisory body – to be called the Ontario Accessibility Standards Board – to develop and review standards.

In response to this recommendation, the government in January 2013 announced that responsibility for standards development would be consolidated in the Accessibility Standards Advisory Council. ASAC's members were invited to sit as a standards development committee to conduct the five-year review of the Customer Service standard.

For further reviews, however, the government reverted to the former practice of creating separate standards development committees. It seemed unrealistic to ask ASAC to deal with the volume of work and complexity of issues involved in conducting multiple reviews at the same time. SDCs were also established to develop new Health Care and Education standards, as noted above. The government has maintained central coordination by inviting at least one ASAC member to join each standards development or review committee. As well, most of the suggestions to improve the process listed in the Beer Report have been implemented.

## **Second AODA Review – 2014**

The Second Review of the AODA was conducted by Mayo Moran, Provost and Vice-Chancellor of Trinity College at the University of Toronto. Her report was submitted in November 2014 and tabled in February 2015. Based on extensive public and stakeholder consultations, she reached the overall conclusion that "(t)he pace of change is seen as agonizingly slow by persons with disabilities, while the complexity of the regime and the inadequacy of support for implementation mean that the obligated sectors are nonetheless struggling with compliance."

### **Rolling Implementation**

The Moran Report observed that a key feature of the AODA standards was the concept of phased or rolling implementation. For each obligation under the standards, the AODA regime typically starts implementation with the Ontario government, then extends the requirements to the public sector and finally to the private sector, usually according to size. The result was that, although five standards were in effect at the time of the Second Review, many of the obligations had not yet come into force since they were being phased in gradually – some not until 2021. The implementation schedule is very complex and was summarized in a timeline chart in the report. The reality of staged implementation posed a challenge for the Moran Review in assessing the effectiveness of the AODA and the regulations.

As this Third Review got underway in early 2018, all obligations under all standards were in force, with the exception of a few provisions pertaining to websites and learning resources. However, some key obligations had not been operational for very long. In particular, almost all accessible employment standards as well as requirements for accessible formats and communications supports did not apply to small private sector organizations until January 1, 2017. And the Design of Public Spaces standards did not apply to this group until January 1,

2018 or to large private sector organizations until a year earlier. The rolling implementation model somewhat limits the ability of this Third Review to assess the impact of standards, though not to the same extent as with the Second Review.

The Moran Report presented eight key recommendations that are discussed below.

## **1. Renew Government Leadership.**

Echoing the Beer Report, Ms. Moran stressed that “re-establishing the leadership and commitment of the Government of Ontario to accessibility is critical to the momentum of the AODA.” Like Mr. Beer, she called on the government to put in place the administrative structure to strengthen its leadership on accessibility. Her report recommended designating a Minister Responsible for Accessibility and also making the Minister of Government and Consumer Services responsible for ensuring that the Ontario Public Service (OPS) becomes a fully accessible employer and service provider. It also suggested an associate deputy minister position to support the latter minister in this role. Other recommendations were to review proposed policies through an accessibility lens, link accessibility to capital and other spending decisions, and direct all ministries to treat accessibility as a key government-wide priority.

The government has taken some action along these lines. In mid-2016, Ontario’s first-ever Minister Responsible for Accessibility was appointed, together with the first Deputy Minister Responsible for Accessibility. Then, in September 2017, the Accessibility Directorate of Ontario was expanded to create a new Accessibility Policy, Employment Strategy and Outreach Division. Among other roles, its mandate is to work with ministries to embed accessibility in policy decisions and make the OPS a leader in hiring, accommodating and supporting people with disabilities.

## **2. Enforce the AODA.**

The Moran Report emphasized the crucial importance of enforcing the AODA and making known the results of that enforcement, noting that this view was widely shared by many different constituencies. Ms. Moran urged the government to prepare and make public an enforcement plan and to release the results of AODA enforcement activities on a timely basis.

She also called on the government to incorporate feedback into compliance and enforcement efforts by: establishing an accessible toll-free phone number to report AODA violations, as well as online and mail-in options; extending the existing requirement for feedback processes under the Customer Service standard to all accessibility standards; and requiring organizations to report publicly and to the ADO on complaints received and how they were resolved.

The government now publishes an annual accessibility compliance and enforcement report, including statistics on the year’s activities and plans for the year ahead. In its 2017 reorganization the ADO created a Compliance and Enforcement Branch, intended to place a “strategic focus” on these functions.

The 2017 enforcement report indicated that of the roughly 56,000 business and non-profit organizations (with 20 or more employees) required to submit compliance reports, more than

24,000 did so – 4,000 more than in the last reporting year in 2014. As well, nearly 700 of the approximately 800 public sector organizations required to file in 2017 did so. Overall, the ADO found that 94 per cent of organizations submitting a report indicated full compliance with the AODA standards, which the ADO considers “an encouraging sign.”

The ADO conducts audits to verify and enforce compliance. During 2017, the ADO conducted 1,730 audits – 1,254 focused on helping organizations file a compliance report through one-on-one interactions, and 476 designed to confirm compliance with standards beyond the requirement to file a report.

In 2016 and 2017, the ADO audited a selection of private sector organizations on compliance with what it considers foundational requirements. Rates of compliance were 64 per cent for establishing accessibility policies, 67 per cent for multi-year accessibility plans, 63 per cent for providing accessibility training and about 90 per cent for establishing a feedback process.

Audits of public sector organizations during the same period found a 66 per cent compliance rate for multi-year accessibility plans and a 40 per cent rate for accessibility policies. The latter rate reflected the need to update many existing policies to include standards that had recently taken effect.

Overall in 2017, the ADO negotiated compliance plans with 240 organizations found to be non-compliant. Failure to adhere to a compliance plan leads to enforcement measures. Six orders were issued, with three imposing an administrative monetary penalty, and none of these orders were appealed.

### **3. Resource and empower the ADO to provide robust compliance support.**

Ms. Moran underlined that her Review was repeatedly told that obligated organizations need more guidance and more support. She observed that the most effective compliance support would be to simplify the standards themselves so that elaborate explanations are unnecessary. As well, she suggested bringing all new requirements into force on the same date for all obligated organizations, as far as possible.

Her report called on the government to provide authoritative guidance on AODA requirements through such means as interpretive bulletins and a resource centre to provide quick answers to compliance questions. As well, Ms. Moran urged better promotion of existing resources. She also proposed a training certification program – based on standardized training content – that would make training portable, so it did not have to be repeated each time a worker changed jobs.

The government has directed standards development committees to make simplification and clarity key objectives when reviewing standards. In 2015, the ADO revamped its website in an effort to make it easier to learn what has to be done and when. As well, the government has funded outreach projects to educate organizations on their obligations. It also offers web-based training videos, “how-to” resources with practical examples and online templates to support compliance. In addition, a single-point-of-contact phone number receives thousands of calls a

year from people seeking information or compliance assistance, providing feedback or making complaints.

#### **4. Undertake a comprehensive public awareness campaign.**

Another strong message to the Moran Review was the “troubling lack of awareness of the AODA nearly 10 years after its enactment.” The report urged a sustained, long-term commitment to education and promotion programs by government and partners in the obligated sectors and the disability community. The goal would be to raise understanding of accessibility generally and the demands of the AODA specifically. During the consultations, the Pan/Parapan Am Games to be hosted by Ontario in 2015 were often cited as a rare communications opportunity.

The ADO ran a two-stage marketing campaign to usher in the AODA Employment standard that took effect for large businesses and non-profits on January 1, 2016 and small ones a year later. The campaign featured direct mail, print, radio and online ads. In 2017, to raise awareness of the year-end compliance reporting deadline for all sectors, the ADO sent out 57,000 reminder letters or emails, participated in more than 90 trade shows, conferences and other events and ran a digital marketing campaign targeted at business.

Twenty-three thousand volunteers were trained in accessibility in preparation for the Pan/Parapan Am Games. During the games 5,000 visitors took part in the three-day Accessibility Innovation Showcase that raised the profile of Ontario companies creating new accessibility technologies. The ADO held a similar showcase event at the 2017 Invictus Games hosted in Ontario.

#### **5. Clarify the relationship between the Human Rights Code and the AODA.**

The Moran Report observed that the relationship between the Human Rights Code and the AODA was an area of significant confusion that is likely to become more prominent as more obligations come into force. Ms. Moran stressed that the interaction between the Code and the AODA should be explained in all relevant communications and public awareness materials.

The Ontario Human Rights Commission (OHRC) has developed an e-learning video on the way these laws work together, which is available online. However, this issue remains current. The standards development committee reviewing the AODA Employment standards made improved clarity with the Human Rights Code the first recommendation in its initial report. As a start, the committee called on the government and the OHRC to explore the causes for the confusion about the relationship between these two measures.

#### **6. Plan for new standards.**

Ms. Moran urged the government to launch a public process to identify the most significant gaps in the current regulatory regime with a view to developing supplementary standards to close them.

More specifically, she recommended that the government undertake a serious process to determine the best method to ensure accessibility advances as fast as possible in health care and education. She noted that the outcome of these efforts could be a timely series of targeted standards, rather than extensive sector-wide obligations that could easily take a decade or more to develop and implement. As noted above, standards development committees have been created for new standards in Health Care and Education but their work has been suspended.

Ms. Moran also pointed out two key accessibility gaps that require action: the built environment and website extranets. She called on the government to begin the retrofitting of existing facilities by requiring readily achievable measures, such as accessible entry ways and washrooms. She also urged steps to remedy the exclusion of extranets from the AODA accessibility requirements (an extranet is an extension of an organization's internal network to outside users that is accessed by logging in). The SDC reviewing the Information and Communications standards is considering the extranets issue.

## **7. Encourage, support and celebrate accessibility planning beyond the AODA.**

The Moran Report emphasized that the current AODA standards should be treated as the floor, not the ceiling, for accessibility efforts. Support materials on developing multi-year accessibility plans should highlight barrier removal beyond AODA requirements, while a certification program – such as the LEED environmental certification – could motivate organizations to exceed minimum requirements. As well, celebrating accessibility champions would recognize strong leadership and showcase successful initiatives. Ms. Moran also recommended tax incentives to encourage small businesses to go beyond the accessibility requirements in the AODA standards, and idea also suggested in the Beer Report.

In 2015, the government launched the annual David C. Onley Awards for Leadership in Accessibility. This initiative recognizes individuals and organizations who demonstrate outstanding leadership to raise awareness of accessibility and disability issues in their communities. Also in 2015, AODA 10<sup>th</sup> Anniversary Champion Awards were presented across Ontario to recognize local efforts from fundraising to building an accessible playground.

In late 2015 the government began work on a voluntary third-party certification program that would give business an incentive to go beyond AODA requirements. This concept is now being pursued through a project known as BIG IDeA at the Inclusive Design Research Centre, with funding from the government's EnAbling Change program.

## **8. Improve AODA Processes.**

Finally, the Moran Report made a number of suggestions for refining processes under the AODA. It proposed that the government permit minor revisions to standards without going through full standards development process; conduct a focused review of the role and resources of municipal accessibility advisory committees; and repeal the ODA after ensuring that appropriate provisions have been incorporated into the AODA framework. In addition, Ms. Moran called on the government to require pre-construction approval of projects covered by the



Design of Public Spaces standards and to find a way to make the accessibility provisions of the Building Code subject to the AODA standards review process.

Minor amendments have been made to the Transportation and Design of Public Spaces standards outside the standards review process and, as noted above, repeal of some ODA sections has been proclaimed.

## **Other Canadian Accessibility Laws**

Disability stakeholders have hailed the AODA as ground-breaking legislation for Ontario and Canada. Currently, the federal and two provincial governments are in various stages of pursuing similar standards-based accessibility legislation.

In June 2018, following extensive public consultations, the Government of Canada introduced the proposed Accessible Canada Act. After some amendments, the bill received Third Reading in the House of Commons on November 27 and is before the Senate.

The purpose of the Act is to benefit all persons, especially persons with disabilities, through the realization of a Canada without barriers, particularly by the identification and removal of barriers and the prevention of new barriers in: employment; the built environment; information and communication technologies; other communication; the procurement of goods, services and facilities; the design and delivery of programs and services; transportation; and other areas designated by regulation. Accessibility standards are to be developed and revised by a new corporation to be known as the Canadian Accessibility Standards Development Organization.

While the AODA operates in provincial jurisdiction, the proposed measure would apply to all areas under federal jurisdiction – including the Parliament and Government of Canada, interprovincial or international transportation carriers, broadcasting and telecommunications services and the banking and financial sector. The bill complements the Canadian Human Rights Act and does not diminish any obligations under that Act.

In December 2013, the Accessibility for Manitobans Act (AMA) became law. It commits the province to achieve “significant progress” with accessibility by 2023, making Manitoba more inclusive for everyone. The government intends to create five accessibility standards, working with representatives from the disability community as well as public and private sector organizations. The Customer Service standard is currently the only one in force. Employment and information and communications standards are under development, while built environment and transportation standards are also planned. The mandatory four-year review of the AMA is in progress.

In 2017, Nova Scotia became the third Canadian province to pass accessibility legislation, setting a goal of an accessible Nova Scotia by 2030. Following consultations, the government has released a strategy called Access by Design 2030 that provides a framework and sets priorities. Standards for the built environment and education will be developed first, followed by employment, goods and services, information and communications and transportation.

## **Demographic Trends**

Accessibility legislation and standards are emerging against a rapidly evolving demographic background. As is well known, our society is aging and the incidence of disability increases with age. Hence the population of Ontarians with disabilities is growing in both absolute and relative terms.

According to the 2017 Canadian Survey on Disability<sup>6</sup>, persons aged 15 and over with disabilities number 2.6 million in Ontario and make up 24.1 per cent of youth and adults. But the rate of disability rises to 43.1 per cent in the 65-and-over age group and 53.5 per cent among those 75 and over. Looking to the future, Statistics Canada projects the proportion of seniors to increase from 15 per cent of Canadians in 2013 to as high as 25 per cent by 2038 and 28 per cent by 2063,<sup>7</sup> bringing further growth in the population with disabilities.

The social impact is even bigger when family and close relations of people with disabilities are counted. From this perspective, 53 per cent of Canadians today are directly affected by disability.<sup>8</sup>

## **A Focus on Employment of People with Disabilities**

Again according the 2017 Canadian Survey on Disability, 58 per cent of Ontarians with disabilities aged 25 to 64 years were employed – well below the 81 per cent level for their contemporaries without disabilities.<sup>9</sup> The Ontario government launched Access Talent: Ontario's Employment Strategy for People with Disabilities in June 2017, calling on employers with 20 or more staff to hire at least one more person with a disability. The whole-of-government strategy takes a collaborative approach to bring government, employers and individuals together to break down workplace barriers. It is based on four pillars:

- Inspire and support youth and students with disabilities
- Support and encourage employers as champions and partners
- Create seamless, person-centred employment and training services
- Establish the Ontario government as a leading employer and change agent.

The government established an Employers' Partnership Table, comprised of 17 business and not-for-profit leaders, to provide advice on implementing the strategy and promote the business case for employing people with disabilities. The ADO's Accessibility Policy, Employment Strategy and Outreach Division is coordinating implementation of the strategy across the provincial government.

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<sup>6</sup> Statistics Canada. Table 13-10-0374-01. Persons with and without disabilities aged 15 years and over, by age group and sex, Canada, provinces and territories.

<sup>7</sup> <<https://www150.statcan.gc.ca/n1/pub/91-520-x/2014001/c-g/desc/desc2.5-eng.htm>> retrieved 2018-12-17

<sup>8</sup> Ontario Disability Employment Network. <<https://odenetwork.com/businesses/why-hire>> retrieved 2019-01-08

<sup>9</sup> Statistics Canada. Table 13-10-0377-01. Labour force status of persons with and without disabilities aged 25 to 64 years, by age group and sex, Canada, provinces and territories.

## WHAT THE REVIEW HEARD

The heart of the Review was a wide-ranging public consultation process based on multiple communications channels. Again, let me express my deepest thanks to the host of individuals and organizations who contributed to the work of the Review. I am particularly grateful to the many people who took time from busy schedules and in some cases travelled long distances to share their views, suggestions and life experiences. Without this generous assistance, this report would not have been possible. I have done my best to capture all these views and voices and to respond to the many concerns and ideas put forward.

In planning the Review, I decided to make a special effort to reach beyond the well-known advocacy groups to connect with people with disabilities and their families near their homes. That's why our first public meeting, in June 2018, was held at Variety Village in Toronto, followed by a session at Grandview Children's Centre in Oshawa in October. During the late summer and fall, I travelled around the province to meet with people at Carleton University in Ottawa, in London at the convention centre, at Hart House in downtown Toronto, in Newmarket at the York Region offices and at a conveniently located hotel in Thunder Bay. In May, I hosted a "think tank" at the University of Toronto Scarborough with a cross-section of experts to build knowledge of current accessibility trends. The Review also organized an online consultation event open to the public in August and held two teleconferences with public sector stakeholder groups. As well, I have had informal but valuable conversations with countless individuals from all walks of life and all kinds of abilities over the past several months.

In addition, the Review established a website to provide ongoing information about activities and invite written submissions from anyone interested. Submissions were accepted via email or through an online comment form or document upload function. To round out the input, the Review conducted background research on accessibility in Canada and international jurisdictions.

The level of participation in the Review was heartening, with approximately 300 people attending meetings, either in person or online, and more than 100 submissions received – 26 from organizations and the rest from individuals. Given this wide-ranging feedback, it is not surprising that a broad range of issues emerged. While all the points can't be covered in a relatively short space, I attempt below to highlight the main themes running through the consultations.

The content can be arranged in a few broad categories:

- Progress So Far under the AODA
- Assessing the Standards Development Process
- No One Listening
- Barriers and Ways to Fix Them
- Enforcing the AODA
- Implementation Challenges

- Disability Issues Apart from the AODA.

## **Progress So Far under the AODA**

### **Commitment to Accessibility**

Let me begin by stating that a firm commitment to accessibility underpinned all the input to the Review. People with disabilities regard accessibility as incredibly important to their ability to participate in all that Ontario has to offer. Accessibility is seen as a cornerstone of full and meaningful inclusion. As one participant put it, “We need 100 per cent access to everything, just like everyone else.” Or in the words of another, “Without equal access, there can be no equal opportunity.” Seniors were especially vocal, seeking the best opportunity possible to live in health, happiness and dignity.

Representatives of many organizations with obligations under the AODA also expressed strong support for accessibility. From municipalities to hospitals to schools, there is no doubt the commitment to a barrier-free Ontario has taken root in our society.

The aging of the population is adding momentum to the drive for accessibility. The Review was reminded that disability increases with age. The population with disabilities is forecast to rise steadily in both absolute and relative terms as more baby boomers enter their senior years. And when family and close relations of people with disabilities are considered, disability today has a direct impact on more than half of society.

### **Where We Are Now**

A key question then is: how far along are we in the journey to the accessible province envisioned by the AODA? Will we get there by 2025 as promised by the legislation?

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*Accessibility is seen as a cornerstone of full and meaningful inclusion.*

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Some people with disabilities were upbeat, saying they love that we did the AODA and that it is a good piece of legislation. One participant felt that accessibility in public spaces like parks was steadily improving, transportation was getting better all the time, and business attitudes were becoming more accepting – and all this should be celebrated. One advocacy group observed we have made a start in the right direction, while another felt the AODA and its regulations have moved Ontario forward in the quest to become fully accessible. Observers in the municipal sector echoed this view, noting that we would not have improved as much as we have without the AODA. At the very least, it was widely felt that the AODA has put a spotlight on accessibility challenges and changed the conversation to focus on a standards-based model. The overall sense among advocacy groups and individuals with disabilities, as well as in the obligated sectors, is that we are moving in the right direction.

The problem, as many, many participants underlined, is that this progress has been painfully slow. “Ontario has come a long way, but we still have a long way to go” was a typical comment among those with a more positive outlook. One participant mentioned the provincial government’s often-stated claim that Ontario is a world leader – but added that this is like saying we are one metre ahead in a 100-metre race with 95 metres to go.

Many contributors to the consultation process expressed growing frustration with the rate of change.

At Variety Village, the mother of a 33-year-old man with a disability, who has been advocating for him since he was age two, noted how long it has taken to get things moving. She observed that the AODA seems to have stalled in the last few years – an impression that is widely shared. A community group, for example, commented that since the Moran Review accessibility has advanced at a snail’s pace, if at all. “It feels like we are on a long, never ending road with the destination moving ever further away in the distance.” Another participant said that some people with disabilities prefer to think in terms of exercising their rights rather than overcoming barriers – and stressed that more and more rights violations seem to be happening. Others wondered if it was wise to develop new standards when so little has been accomplished so far. Perhaps we should start over and at least get one standard right.

A university student with a disability commented that there has not been much action on the previous two AODA Reviews, and asked where the political leadership is, so we don’t have to spend so much time on this. Indeed, I heard time and again that most people with disabilities are so preoccupied with the logistics of just getting through each day that they do not have the time or energy to stand up for their rights. The bottom line expressed by many: persons with disabilities continue to face significant barriers in all facets of their lives. I will look at these barriers in detail later in this section.

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*“It feels like we are on a long, never ending road with the destination moving ever further away in the distance.”*

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The pace of change has been especially slow in small-town, rural Ontario. As one resident put it, “The battle to create an accessible county continues to be hard fought, with few victories.” A woman caring for her husband for 47 years, while agreeing that some progress is better than none, said she is “sick of the struggle – it is taking way too long.” A member of a municipal accessibility advisory committee remarked that every person with a disability she has spoken to does not have anything good to say about accessibility in their town.

### 2025 Deadline

The AODA’s 2025 timeline for achieving accessibility is sparking debate. Some observers think we are way behind schedule and are not on track for full inclusion by 2025. As one stakeholder group commented, at the present rate of progress, Ontario will not even come close to reaching

full accessibility by 2025. Hence dramatic improvement is needed now in the AODA's implementation and enforcement. Another participant pointed out that 2025 will be here in a blink and the government needs to get serious about how to get it done.

Others, however, are beginning to doubt that it can be done. The impression is developing that the 2025 goal is unrealistic and should be replaced or revised. One speaker suggested changing the goal to making Ontario “as accessible as possible” by 2025.

The state of the built environment is a big reason why many are skeptical of achieving accessibility by the prescribed date. The built environment is the top barrier facing people with disabilities, one observer said, and no one thinks it can be accessible by 2025 – all you need to do is look around! A MAAC member agrees and worries that it is going to be hard to explain to people with disabilities why everything won't be accessible in 2025.

### **Low Public Awareness**

A major reason for the slow progress, cited by both people with disabilities and other stakeholders, was the low level of awareness about the AODA 13 years after its enactment. Business awareness of obligations was felt to be sketchy or non-existent, while awareness among the public – including people with disabilities – was described as shockingly low. As one participant put it, “The AODA is unknown. Period.” On the other hand, some people with disabilities know about the AODA but were said to misunderstand what it does – leading to frustration with the staff of organizations when expectations are not met. The Review heard repeated calls for ongoing public awareness and education campaigns on accessibility in general and the AODA in particular.

### **Uncertainty over Basic Concepts**

The consultations found much uncertainty about basic concepts in the AODA – specifically, accessibility, disability and the link with human rights legislation.

#### What Is Accessibility?

Academic experts and consultants working with obligated organizations told the Review that clarity is needed on the meaning of accessibility and full accessibility. Service providers are said to be struggling with defining accessibility and understanding their responsibilities and this situation is compounded by confusion over the 2025 “deadline”.

A participant in the Thunder Bay session commented that the AODA has become a blanket for all things accessibility. In fact, however, most accessibility-related subjects raised at the meeting are not addressed by the AODA. Other contributors emphasized that everyone has a different idea of what full accessibility means and it will be hard to prove we ever achieve it.

A speaker at the Hart House meeting suggested replacing the notion that Ontario will “magically” become fully accessible by 2025 with concrete goalposts and measurable milestones as part of an ongoing process. With information, communications and other infrastructure constantly changing, it makes sense to meet specific milestones, so we should get very tangible in the next stage of our work. Along the same lines, another participant commented that the AODA is living legislation that should not end at 2025, since society is always changing and technology in particular is always evolving. Other stakeholders concurred that standards should include not only end-dates for achieving results but interim benchmarks for key milestones.

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*The AODA has become a blanket for all things accessibility.*

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A disability expert contended that to measure accessibility, we should be measuring outcomes. This will take a very different approach – proclaiming a very defined, measured outcome as the goal, and leaving it up to business and other sectors to decide how to achieve it. This is a global conversation that extends far beyond Ontario.

#### Definition of Disability

Another series of questions surrounds the meaning of disability. A researcher observed that the AODA definition of disability is grounded in a medical approach that equates disability with health impairment. She and others argued that the definition of disability should be revisited and brought in line with the definition in the UN Convention on the Rights of Persons with Disabilities. (This reads: “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”) The UN approach reflects a social model of disability that puts the focus on environmental barriers rather than individual health.

The Review is also aware of a suggestion raised at an international expert conference that accessibility legislation like Ontario’s should add “aging” to the determinants of physical disability, which now include bodily injury, birth defect or illness. The reason of course is that aging and disability raise the same kind of accessibility issues.

As well, the consultations showed that many people with non-visible disabilities feel left out of the AODA. Some believe this state of affairs could be improved by changing the definition of disability – which now includes physical, developmental, learning and mental disabilities – to cover non-visible disabilities explicitly and mention conditions like environmental sensitivities and dementia.

#### Relationship with Human Rights Legislation

The relationship between the AODA and the Human Rights Code remains an ongoing source of confusion. Organizations worry that despite complying with AODA standards, they may be

found to fall short of the Code's requirement to accommodate the needs of people with disabilities to the point of undue hardship. The government was urged to harmonize the provisions of these two statutes.

One problem cited during the consultations is that the AODA itself, while stating that it does not diminish obligations imposed by other laws, does not explicitly mention the Human Rights Code or the fact that the Code trumps all other legislation. And the IASR, which does state that accessibility standards do not replace the requirements of the Code, offers no sense of what these requirements are.

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*The relationship between the AODA and the Human Rights Code remains an ongoing source of confusion.*

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To explain the complementary relationship between the two laws, one expert observed that the AODA – and the barrier-free provisions of the Building Code – set minimum standards to address barriers for as many people as possible, while the Code imposes a duty to respond to individual accommodation requests, short of undue hardship. Another participant in the consultations commented that the AODA was designed to remove the need for individual accommodation by focusing on inclusion by design. The standards development committee reviewing the AODA Employment standards has expressed the view that the Code seeks to guarantee an outcome – employee accommodation – while the Employment standards require processes and procedures to assist in achieving that outcome.

The Review also heard that the provisions of the Code are “unspecific” and this uncertainty makes employers wary of hiring people with disabilities. Some felt it would be better for public education efforts not to highlight the Code but to focus on compliance with AODA standards.

#### Federal-Provincial Coordination

A further harmonization issue has arisen with the impending enactment of federal accessibility legislation. Stakeholders called on the Ontario government to harmonize AODA standards with the proposed Accessible Canada Act.

Concerns were also expressed that the creation of different accessibility standards in different provinces could result in a patchwork of requirements that will create challenges for businesses operating in more than one province. Again, some form of coordination would be helpful.

#### **Seeking Cultural Change**

Many participants in the consultations underlined that the AODA and accessibility are not the same thing, despite the tendency to equate them in casual conversation. It is widely believed that achieving accessibility will take more than laws and regulations – it will take a massive cultural transformation – a societal change to make accessibility foremost in mind rather than an afterthought. We should focus on the spirit of what we are trying to do, one contributor



observed. The goal is full participation and procedures and processes are a minor subset of that.

A woman from a small town told how someone placed the ticket booth for an accessible dance class in a disability parking space. What's needed isn't so much compliance as what she called "accessibility mindfulness." The aim is to make our communities accessible because it is the right thing to do for our neighbours, friends and families.

In fact, the Review learned that all the recent standards development committees have been talking about non-regulatory measures to reach the goals of the AODA. Some believe the whole regulatory model under the AODA needs a sober second look to focus on solving problems and producing results. The current process is viewed as unfriendly to innovation and risk-taking. From this perspective, government is not the solution but a facilitator, in contrast to the stance that legislation can fix everything. Government's role is to model accessibility in practice and act as a convener to bring businesses and other organizations together to drive change forward.

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*What's needed isn't so much compliance as "accessibility mindfulness."*

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Impaired driving and recycling were mentioned as evidence that attitudes and behaviour can change. One suggestion was to get successful people with disabilities on television and other media so they can inspire today's youth – since Terry Fox and Rick Hansen are from an older generation. As well, political leaders could do much more to promote accessibility through the "bully pulpit." Creative approaches were suggested, such as the Time in My Shoes program in Peterborough that sends people with disabilities to visit schools, post-secondary institutions and businesses to help break down attitudinal barriers. Celebrating success stories could also be a way to recognize accessibility champions and profile good ideas for others to try.

The Review heard it is imperative to repackage or rebrand accessibility in a way people can understand, so they realize it is worth the money and effort required. A seniors' group in rural Ontario spoke for many when it proposed four messages that should be hammered home:

- Universal access benefits everyone – Ramps benefit not just wheelchair users but parents with kids in strollers and anyone who finds stairs an issue.
- Many accessibility measures are not expensive – It costs nothing for a store clerk to ask someone if they were able to find everything they need.
- Accessible workplaces can open up a new labour market – Many qualified individuals have trouble finding work due to accessibility issues.
- People with disabilities spend money – They tell others about accessible businesses, and don't go back to those that aren't.

The business case for accessibility is compelling, but many believe we are missing the leverage of the economy to drive the agenda forward. Various suggestions were offered for articulating the business case more forcefully – ranging from business owners on television touting the value of accessibility, to municipal leaders encouraging businesses to become accessible. It was pointed out that the private sector sets priorities according to money to be made – so the

emphasis in human resources should be put on finding and keeping great talent, not merely complying with regulations. Municipalities across Ontario are striving to become age-friendly communities and view age-friendly and accessibility as essentially the same thing. Many see age-friendly as a softer approach to convincing businesses to make their premises accessible.

The AODA Employment standards were described as building processes that support and normalize workplace accommodation. The aim is to foster a culture of accommodation that will maximize employee contributions to the organization.

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*The business case for accessibility is compelling, but many believe we are missing the leverage of the economy to drive the agenda forward.*

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The educational system has great potential for bringing about lasting cultural change, the Review was told. Accessibility should be built into the curriculum at every level – from elementary school through college and university – so that it will become part of students' everyday thinking. Government should work especially with post-secondary institutions to incorporate accessibility into professional and technical courses of study – such as architecture, marketing, urban planning, communications, information technology, engineering, health care and education. This will ultimately ensure a work force well versed in accessibility requirements.

Another measure proposed was public education to raise anti-ableism awareness through a new agency to be known as the Disability Rights Directorate.

### **Government Leadership Missing**

Many stakeholders called on the Ontario government to revitalize and breathe new life into the AODA, echoing both the Beer and Moran Reviews. As far as government leadership goes, little has changed. The government largely has been missing in action.

Participants urged the government to recommit publicly to ensuring Ontario will be fully accessible by 2025. Some called on the government to adopt, make public and implement a comprehensive multi-year plan for making this happen. The consultations emphasized that the government must get ahead of the private sector by complying with all standards and leading by example.

The general view is that strong leadership must start at the top, with the Premier, Cabinet and senior officials in the public service. The creation of a Cabinet portfolio for Seniors and Accessibility was welcomed and considered a good fit as the incidence of disability increases with age. Some believe the Accessibility Directorate of Ontario should be reformed so it provides better leadership on AODA implementation and enforcement. Others pointed out that the ADO is wasting money – specifically, funds and time were spent to consult on and develop an accessibility certification body, but this idea was dropped without explanation.

The key in the opinion of many is to take a coordinated “whole of government” approach involving the continued efforts of multiple ministries working with organizations in their mandates to achieve accessibility. That is, accessibility should be made the responsibility of all ministries, not just the Ministry for Seniors and Accessibility. This kind of holistic approach was reported to be getting results overseas, in Australia for example, very much due to the presence of finance officials at the accessibility decision-making table.

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*Strong leadership must start at the top, with the Premier, Cabinet and senior officials in the public service.*

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Administrative changes in the Ontario Public Service were proposed to strengthen government leadership. A single minister should be made responsible for ensuring the OPS becomes a fully accessible employer and service provider, supported by a new position of Chief Accessibility Officer (a full-time deputy or associate deputy minister). Mandate letters from the Premier to ministers should include directions to fulfil accessibility commitments and duties in the purview of their ministries. As well, the government should adopt a comprehensive strategy to ensure that public money is never used to create or maintain accessibility barriers. The strategy should apply to government funds going to the public and private sectors and cover: capital and infrastructure spending; transfer payments; procurement of goods, services and facilities; business development grants and loans; and research grants. Recipients of public funds should be required to comply not only with the AODA but also with the Human Rights Code.

In addition, the government should prepare and carry out a detailed plan for completing the long-promised review of all Ontario statutes and regulations for accessibility problems, and for screening new legislation and regulations in advance for accessibility barriers.

## **Assessing the Standards Development Process**

The process for developing standards through the involvement of people with disabilities, the affected sectors and the provincial government lies at the core of the AODA. The weaknesses in the process were a prime focus of the Beer Review, as outlined earlier in this report. Several individuals taking part in the current process told the Review they feel the problems identified by the Beer Report have been fixed and the process is probably now operating as well as it can. Some observers in obligated sectors agreed the process has significantly improved over the years.

### **Changing the Structure**

In response to the Beer recommendations, the government decided to make the Accessibility Standards Advisory Council responsible for developing and reviewing all standards, and ASAC – sitting as an SDC – conducted the Customer Service review. However, the government then chose to establish SDCs apart from ASAC to undertake further standards development work.

With this decision, one stakeholder observed that we are essentially back to the same uncoordinated system we had with the first five committees. Hence the province should accept the Beer recommendation to transfer the standards development process to an independent Ontario Access Board operating at arm's length from the government.

Some doubts were expressed about the structure of the standards development process itself. It was felt that a process for proposing regulations to government may inevitably become more of a negotiation than a cooperative undertaking. A collaborative conversation is needed, yet the somewhat adversarial structure of the process seems to make this more difficult.

## **Support and Procedures**

The Review was told that ADO support for the recent standards development committees was “more than adequate” and that staff were “amazing” to work with. For example, the selection of members resulted in a Transportation committee that focused on systemic issues rather than personal projects. The ADO also provided useful orientation to explain the committee's role and how the process works, and arranged for technical expertise when needed. Another stakeholder, on the other hand, called on the ADO to provide dedicated staff support for disability representatives on SDCs, and also believed the ADO was attempting to influence the work of SDCs when it should be taking a neutral stance.

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*A process for proposing regulations to government may inevitably become more of a negotiation than a cooperative undertaking.*

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Changes in how the process works were proposed with a view to producing stronger standards. One was to alter SDC voting procedures so that a simple 50 per cent majority can make recommendations instead of the 75 per cent super-majority needed under the current terms of reference. (At least half of the simple majority would have to represent the disability sector.) It was felt that the current approach leads to recommendations that reflect the lowest common denominator. Another proposal was to include a representative of the Ontario Human Rights Commission on each SDC as a voting or non-voting member. As well, human rights awareness training was urged for the Minister, ASAC and SDC members.

Suggestions were made for SDCs to function in a more open and accountable manner. For example, members and presenters at SDC meetings should not be asked to sign non-disclosure agreements, SDC minutes should be more detailed and informative, and opportunities for community groups to present to SDCs should be widely publicized. It was also felt that if SDCs recommend any measures apart from standards, this should be secondary to their core mandate. Another proposal was to ensure cross-disability representation on SDCs – for visible, non-visible and episodic disabilities – as well as people experiencing disability as they age.

The Review also heard concerns about the AODA timelines for the review of standards. Some believe the requirement for review every five years is too rigid and more flexibility is necessary to ensure reviews are relevant, meaningful and evidence-based. At the five-year mark, it was

noted that implementation is often still ongoing and evaluation lacking. For example, when the Transportation standards were reviewed, not all requirements were in effect and there was little information on results of those that were.

As noted above, most Built Environment standards have been included in the Building Code rather than adopted as regulations under the AODA, which leaves them outside the AODA review process. A recommendation was made to apply the AODA processes for standards development and review to the accessibility provisions of the Building Code.

## **No One Listening**

People with disabilities often feel that no one is listening to them. That was a message delivered repeatedly during the Review.

In a medium sized city, public consultations were held two years before the opening of a new recreation facility. People with disabilities asked for bus service directly to the door. What they got was one bus rerouted but that in winter drops people off in an area with no sidewalk. One participant told the Review she was becoming disillusioned about consultation. And another said you can have meetings but things will never change if what is said falls on deaf ears.

## **Impact of Municipal Accessibility Advisory Committees**

Municipal accessibility advisory committees are an important channel for people with disabilities to voice their opinions. The question of whether MAACs are being listened to was a topic of much discussion. Generally speaking, MAACs' influence appears to vary greatly around the province depending on the attitude of the municipal council and the resources available to the committee.

The Review learned that members of one accessibility advisory committee offered to resign because no one listens to the big things, only the small things, and they are "eternally frustrated." The committee looks over site plans, for example, but noncompliant structures are built anyway. In another community, the MAAC gave advice on downtown renewal but never saw the final designs. When the project was finished, the Review was told, it was all wrong. In a third community, the MAAC makes recommendations but the city does what it wants and sometimes does not even consult them.

The Review heard numerous calls for MAACs to be given more authority so their advice cannot be ignored. Better lines of communication between MAACs and municipal councils were also suggested. One option, which is done in some places, is to have councillors sit as MAAC members. Other communities have a process for regular reports from the MAAC at council meetings, with a report-back mechanism on the response to MAAC recommendations and an explanation if they are not accepted.

## Feedback Loops

More generally, several observers felt that more obvious feedback loops could make a significant difference, as a simple way for people with disabilities to let obligated organizations know where they are falling short. Feedback policies are in place in many organizations and often accessible through the web, but many are unaware of this way to reach service providers. Interaction should be fostered between organizations and the public to evaluate progress in terms of on-the-ground experience.

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*Members of one accessibility advisory committee offered to resign  
because no one listens to the big things.*

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It was stressed that since each individual is different, people have to make their needs known to obtain the right accommodation. Others said that, as consumers, people with disabilities should demand more from businesses, since owners don't think of accessibility unless someone asks.

It goes without saying that people with disabilities should be represented in decision-making processes that affect them. The Review was advised that many voices should have a place at the table – including different age groups and people from different walks of life, people with non-visible and with visible disabilities, as well as families and other supporters. Some pointed out the need to build the capacity for participation by compensating people with disabilities for their time, energy and expertise.

The Review heard proposals to tap information from feedback processes to drive change and innovation. For example, organizations could be required to publish aggregate data on complaints they receive and how they were resolved. Or the government and the public sector could summarize feedback in their accessibility plans and progress reports, showing action taken or reasons for inaction. It was also suggested that the Human Rights Tribunal of Ontario could classify and catalogue complaints in order to pinpoint where stronger standards are needed. As well, the municipal sector urged the government to aggregate data from compliance reports and share the findings to support continuous improvement efforts.

## Barriers and Ways to Fix Them

The majority of the input to the Review came from people with disabilities discussing the barriers and challenges they face in everyday life. Many of the individuals who came forward spoke in only a tangential way about the AODA. Their main concern was real-world problems. They were looking for ways to take barriers down and often had solutions to propose, through the AODA or other means. The comments on barriers were extensive, so the section below can present only an overview of the main points.

### Gaps in Current Standards

Some stakeholders believe that the existing accessibility standards should be strengthened across the board. It was underlined that, apart from website requirements, standards so far speak to preventing barriers going forward, with very little on removing existing barriers. In particular, AODA standards should measure up to the reasonable accommodation requirements of the Human Rights Code and be amended through the five-year review process where they don't.

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*Apart from website requirements, standards so far speak to preventing barriers going forward, with very little on removing existing barriers.*

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One stakeholder called on the government to establish an SDC to review the general provisions in the Integrated Accessibility Standards Regulation, since no SDC appears to be doing this. One specific suggestion was to strengthen the requirement for the provincial government and the public sector to incorporate accessibility features and criteria in procurement by closing the "except where not practicable" loophole. Another idea was to extend the accessible procurement provisions to private sector organizations. Expanding the requirement for multi-year accessibility plans to cover small private sector organizations – and not just the government, the public sector and large private sector organizations – was also proposed.

### **Built Environment Barriers**

While the majority of the input to the Review concerned accessibility barriers, the majority of the comments on barriers concerned the Built Environment.

I began a couple of the early consultation meetings by showing a video of the new Student Learning Centre at Ryerson University in downtown Toronto, filmed by the AODA Alliance, a disability advocacy group. Much discussion of built environment barriers ensued, but I began to wonder if I was stimulating this with the video. However, in subsequent sessions similar points were raised without prompting from me, confirming my impression that the built environment is now the number-one issue for Ontarians with disabilities.

The Ryerson video revealed a host of accessibility barriers confronting people with low or no vision or mobility disabilities, such as:

- Concrete columns obstructing staircases
- Jagged edges on railings
- "Hangout steps" without ramps or railings
- Angled staircases
- Glass walls with no railings or color markings
- Ramps taking a zig-zag path
- No braille or incorrect braille on some signs.

In the conversations on the video, the Review was advised that plans for this building were largely in compliance with the Building Code when the permit was issued and that changes to

the Code effective in 2015 would have made very little difference. The Ryerson example was cited as one of many demonstrating that Ontario's standards for accessibility in new buildings are inadequate.

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*The reality is that Building Code provisions are only aspirational, with much left to interpretation.*

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As one expert explained, and other participants concurred, we need evidence-based design developed through discussion with people with disabilities. However, the provincial Building Code's barrier-free requirements have not been developed in this way.

The reality, the Review was told, is that Building Code provisions are only aspirational, with much left to interpretation. In fact, there are many building codes around in Canadian and international jurisdictions. Almost two decades ago, the City of London developed Facilities Accessibility Design Standards (for city facilities) that are more rigorous than the provincial Code and made them available for free on the internet. It is estimated that perhaps 100 municipalities across the province have adopted these standards to some extent, accepting some provisions and discarding others. The result is that each municipality seems to have its own version of accessibility, sometimes leaving building owners uncertain which code the building inspector will apply.

The Review heard that the procurement system itself is part of the problem. The bidding process gives much more weight to cost than to accessibility. Fearing to lose bids, developers do the bare minimum, "dumbing down" their designs to the Building Code requirements. To further accessibility, one participant observed that we should be asking if designs comply with the Human Rights Code as well as the Building Code.

Some specific changes to the Building Code were proposed, including:

- Define the concept of "significant retrofit" more broadly to make more buildings accessible.
- Allow more flexibility in applying Building Code standards to existing buildings – in response to denial of a permit to an office that wanted to install an accessible washroom that "would do" but did not meet currently required dimensions.
- Update the Building Code to improve accessibility for those with sensory, mental health and learning disabilities.
- Remove exceptions for renovations to heritage buildings – and allow modifications for accessibility just as they have been allowed for modern advances such as fire alarm systems and indoor plumbing.

### Public Infrastructure Projects

Everyone seems to agree it makes sense to improve accessibility in the public sector first, but in fact the opposite is happening as inaccessible facilities are still being built with public funds. In Thunder Bay, for example, the Review learned of a viewing tower for a new bridge that was



designed with no elevator. A man who uses a wheelchair was particularly annoyed that he could not use a structure paid for with taxpayer dollars.

Participants in the Review were adamant that public money should not be used to create new barriers and many felt developers should be required to exceed minimum accessibility requirements where government funds are involved. Some called for a monitoring process to see that no new barriers are built, bringing the right people to the table to review plans through an accessibility lens.

Going into more detail, an advocacy group proposed substantial reform of the way public sector infrastructure projects are managed and overseen, including major changes at Infrastructure Ontario. Accessibility advice should be obtained on all major projects at the beginning – during master planning, feasibility studies and functional programming. This should be based in part on consultation with people with disabilities. The accessibility recommendations should be made public and any decisions to reject them should be tracked and publicly reported, identifying who made them and why. Post-project accessibility inspections should also be done, with the builder responsible for fixing any deficiencies uncovered. As well, the Provincial Auditor should audit accessibility practices at Infrastructure Ontario and recommend reforms to the way the agency approaches planning for accessibility in infrastructure projects.

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*Inaccessible facilities are still being built with public funds.*

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A submission from staff at a large municipality pointed out how challenging it is to get everything right on construction projects. “It seems we should be able to just do it,” they said, but since it is not possible to monitor everywhere at all project stages, this can’t be guaranteed. The project isn’t actually tested until the public comes to use the facilities and everyone is learning in the evolving field of accessibility.

### Design of Public Spaces

Despite the Design of Public Spaces standards, barriers are still being created in new public spaces, as several examples illustrated. A small town rebuilt its main street but made accessibility worse – obstructing the path of people with disabilities by putting 10-foot planters in front of buildings where they live and shop, and removing a convenient crosswalk. A larger community plans to put bricks on downtown sidewalks, making passage for scooters and wheelchairs more difficult. As well, a community group questioned the use of roundabouts as traffic calming areas as they are hard for people with disabilities to navigate safely.

In some cases, the regulations are creating new barriers for some people while trying to make improvements for others. Tactile plates required at curb cuts for pedestrian crossings to assist people who are blind were said pose a barrier for those with mobility devices. Power doors with buttons that have to be hit work for some people but not for all. In playgrounds, wood chips are considered an accessible surface but in fact they keep wheelchairs from getting through.

The Review heard of an accessible playground where only the simplest equipment was actually wheelchair accessible, prompting the plea, "A playground should be for everybody!" To avoid this kind of problem, a stakeholder group called for municipalities to consult with parents of children with disabilities and parents with disabilities when constructing or redeveloping outdoor play spaces, as well as MAACs as currently required.

A rural municipality advocated adding an "undue hardship" exception to the entirety of the DoPS standards. It also suggested tailoring the play-spaces standards to the circumstances of smaller communities. This could be done by using a population-based calculation to determine the number of accessible playgrounds needed, rather than creating new accessible playgrounds within every new or redeveloped play space.

Accessible parking remains a concern. The Review frequently heard that there are not enough accessible parking spots and the need is increasing as the population grows older. Other issues were the location of accessible spots – sometimes quite far from the building entrance – and the tendency to place spots for plug-in vehicles closer to the entrance than the accessible spots are.

### Persistent Barriers

Apart from new barriers, the Review was told of a litany of existing, ongoing obstacles in the built environment.

A man who uses a mobility device has almost stopped going out due to stores and government offices where he can't get in the door. At least half the stores on the main street of a small town are inaccessible. Some restaurants in Toronto and many other communities have accessible entrances and washrooms, but others do not. In Ottawa it took five years for a mall to install a ramp – sending a message, as one speaker at the Carleton session put it, that people with mobility disabilities are not worthy of their business.

Many participants spoke of barriers to doctor's offices and health clinics – such as stairs, doors without openers and steep ramps. One woman explained how staff in a medical office have to run out of the building to place a rolled-up carpet in front of a step, so her scooter can get over it. University students using wheelchairs find they can't go some places due to missing ramps, narrow doorways and inaccessible washrooms – and the list of inaccessible places grows longer in winter as snow is sometimes not cleared promptly. Moreover, the Review heard that some municipal by-laws appear to contradict the spirit of the AODA as they prohibit entry ramps that impinge on sidewalks.

Often places that claim to be accessible still have barriers. An accessible route may be too long for a person with low energy. Automatic door openers sometimes lead to steps, or may be located too far from the door – or not work at all. Facilities may have accessibility equipment like transfer boards but staff do not know how to use it. A swimming pool may have a lift but the

change room is not accessible. There may be a door opener, but it turns out the restrooms are too small to turn a wheelchair around – or a school with an accessible entrance may have an inaccessible bathroom, making it necessary to lift a child to use it. The point is: the whole experience must be accessible.

### Retrofits

It is obvious that prevention of new barriers in the built environment will not lead to an accessible Ontario by 2025 or for generations. Retrofits to existing buildings will be essential.

The Review was told the issue of retrofits often comes up at MAAC meetings. Some municipalities have accessibility capital budgets to phase in improvements and maximize results for dollars. Often the place to start is with low-hanging fruit like automatic door openers, then washrooms. Hospitals are inherently intended for people with disabilities and older buildings are being retrofitted as far as possible given the funds available. The Toronto Transit Commission has an accessibility plan that is phasing in elevators and accessible subway stations with work to be completed by 2025.

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*Many stressed that architects should not have free rein to create new barriers and characterized inaccessible design as discrimination.*

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The Review heard calls to develop a comprehensive Built Environment standard to improve access to all buildings, not just new or renovated ones. One proposal was to phase in a requirement for one accessible building entrance on a barrier-free path of travel to a universal accessible washroom, with organizations demonstrating financial hardship given more time. A further suggestion was to direct the SDCs now at work to make recommendations for built environment standards in the sectors they are examining.

### Training of Architects

Time and again, stakeholders insisted that a fundamental problem with accessibility in the built environment is the training of architects, interior designers, landscape architects and other design professionals. The educational system is responsible for turning out architects who understand accessibility, yet it appears inclusive design is not being taught in schools of architecture. Accessibility seems little more than an afterthought in architectural training.

Many stressed that architects should not have free rein to create new barriers and characterized inaccessible design as discrimination. Some felt people with disabilities should spend less time criticizing building owners and more time criticizing architects. Architects, the Review heard, see accessibility as a niche market that can be charged additional fees.

Participants said the government should require the bodies that regulate or license architects and related professionals to mandate detailed training on accessible design to qualify for a licence – as well as including accessibility in continuing professional development programs. In

addition, as a condition of funding, any college or university that trains these professionals should include accessibility and universal design in the curriculum. The aim is to ensure that no new graduates in these fields make same mistakes as those now in practice do all too often.

### Community Action

People with disabilities are taking matters into their own hands to address built environment barriers, the Review was told. A woman living with muscular dystrophy founded an app called Access NOW that rates the accessibility of venues in Toronto and other communities. It uses crowd-sourcing to pinpoint the accessibility status of locations on an interactive map and enables users to search for the accessibility features they need.

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*People with disabilities are taking matters into their own hands to address built environment barriers.*

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A man who sustained a spinal cord injury co-founded the StopGap Foundation that provides custom-made portable ramps to businesses at little or no cost in Toronto and elsewhere. Ramps to close the gap between the street and elevated doorways are made by volunteers with materials donated by retailers and can be requested through the STOPGAP.CA website.

### **Information and Communications Barriers**

We live in the Information Age and contributors to the Review pointed out that the digital environment is fast becoming as relevant to accessibility as the built environment.

### Accessible Formats

Stakeholders observed that a wide range of formats are vital to make information accessible – such as braille, readers, large print, sign language and more. In particular, it was noted that many organizations do not understand strategies and technologies for communicating with Deaf and hard-of-hearing people. The business sector especially does not know how to use interpreting or speech-to-text transcription services. And access to intervenor services is necessary to remove communications barriers for people who are deafblind.

Concerns about government communications were raised. One participant said government should revisit intake forms for various programs to ensure they are fully accessible using currently available special-needs software, and also make sure all forms can be easily found online. The dialog on Open Government was said to have been conducted through social media and online discussion forums that were inaccessible to blind Ontarians. The Ontario Disability Support Program (ODSP) should create a digital method to report earnings so people who are blind or with low vision do not have to get someone else to fill out a paper form for them.

### Websites and Technology

Experts advised the Review that nearly three quarters of Canadians spend three to four hours a day online – and nearly three quarters rely on mobile devices to access the internet. So it is a major concern that many organizations are having problems implementing s.14 of the IASR, on websites and web content. Some find that the standards are very difficult to meet since common office programs seem unable to create accessible documents. The standards require organizations to comply with various Web Content Accessibility Guidelines (WCAG) criteria, but even industry experts have different interpretations for some of these criteria.

A large municipality said it was striving to provide a website experience on a par with commercial organizations, but is finding visual supports like dynamic maps challenging to make fully accessible. It also noted that it is almost impossible to claim full WCAG conformance at any given time. Under the rules this must be done on a page-level basis and content is continually changing on a website with more than 20,000 pages.

Currently, s.14 obliges public sector organizations and large private sector organizations to ensure that their websites and web content comply with level AA requirements under WCAG 2.0 by January 1, 2021. However, these WCAG guidelines were introduced in 2008 when the first iPhone had just been released; they focus primarily on websites and content accessed by desktop or laptop computers. WCAG 2.1, released in June 2018, addresses web accessibility through mobile devices as well as accessibility for people with cognitive and learning disabilities and also adds more criteria for people with low vision. Stakeholders urged the SDC now reviewing the Information and Communications standard to recommend changes that incorporate requirements from WCAG 2.1, which reflect advances in technology over the past decade. It was noted that the new guidelines are an extension of WCAG 2.0, so websites complying with WCAG 2.1 would also comply with WCAG 2.0.

Overall, participants underlined the challenge of aligning standards with website designs and digital applications that are constantly and rapidly changing. Reaching WCAG 2.0 AA will not be enough to reach accessibility by 2025. And after 2025, some felt that standards should reflect then-current WCAG guidelines, not lag behind by five years or so.

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In response to this challenge, a municipal stakeholder proposed a new approach to the regulation of websites. Instead of absolute conformance with WCAG standards, organizations should be required to develop an accessible website plan, policy, procedures, procurement process and training program. These steps would demonstrate how WCAG standards and other accessible best practices – as such as including people with disabilities in user-testing – have been embedded into the organization's core functions and culture. At the same time, the WCAG requirements could still serve as criteria for measuring progress.

The Review was informed that the Information and Communications SDC is working on a new approach that would enable the regulatory system to keep up with rapidly evolving technologies and formats. Details have not been made public as this report is written.

The emphasis on staff training was echoed by others who pointed out how complex website development and replacement projects can be. Courses for this purpose have been developed through the Enabling Change program and the government was urged to make further investments in this kind of specialized training module.

Some participants noted that intranet (internal) sites are not required to meet WCAG standards as internet websites are. This allows employees to avoid making documents accessible unless they are going to be posted on the website.

## **Employment Barriers**

Many people with disabilities told of the challenges they face in getting jobs and obtaining workplace accommodation. A recent graduate, for example, had two interviews but then came to realize that potential employers were not accessible and were not enthusiastic about accommodating her needs.

In recruitment, organizations now expect people to come to them, often online. Instead, outreach methods should be required, the Review heard, recognizing that web applications are too complicated for some. Others proposed requiring job advertisements to be offered in accessible formats and posted on accessible websites.

A non-profit organization reported difficulty funding accommodations for potential employees when its core budget has not increased for years. It is possible work around expensive accommodations such as washrooms, but this is not desirable.

Medical time off was another question that arose in the employment context. It was felt doctor's notes should be given more weight, whether requesting time off for medical appointments or reducing workloads for health reasons.

One stakeholder urged the government to direct the Employment SDC to expand its efforts and develop recommendations to remove and prevent specific workplace barriers – such as those in job descriptions, the built environment, the choice of location for off-site events and office furniture and equipment.

## **Customer Service Barriers**

Though the Customer Service standard was the first on the books, barriers facing consumers with disabilities remain commonplace. Many restaurants, stores and other facilities often dismiss

requests for accommodation, the Review was told by a MAAC from a small community and by many others. In particular, technology available today can address virtually every situation where people with hearing impairments may need assistance, so there is no excuse for barriers. In the hospitality sector, a senior with a disability who travels a lot finds hotel beds 30 inches above floor hard to get into from a wheelchair, yet these rooms are often described as accessible. And participants observed that very few self-check-out machines are accessible to someone using a wheelchair.

One stakeholder called on the government to launch the next review of the Customer Service standards now, since they are still weak despite revision in 2016. A proposed change concerns the provision – which goes back to the original standard – allowing service providers to require a customer with a disability to bring a support person where the health and safety of the person with a disability or others is at risk. This clause was viewed as a new barrier that should be eliminated. Other suggested revisions to the current standard include such low-cost measures as:

- Designating an employee to ensure accessible customer service is provided, and that complaints about accessibility are heard and resolved.
- Communicating by diverse and adaptable methods.
- Posting signage about scent-free policies.
- Ensuring accessibility of cash registers or tills with price displays.
- Providing accessible restaurant menus.

There were also calls to broaden the scope of the Customer Service standards so fewer small organizations are exempt from some requirements. For example, it was noted that under the current standard, businesses and non-profits with at least 20 but fewer than 50 employees are no longer obliged to document their accessible customer service policies and make them public.

The demise of full-service gas stations has created new barriers. A woman explained that her husband, who is paraplegic, has been independent in his car for decades. She talked to a self-service gas station to inquire about who would pump his gas. No employee was assigned this task but the owner said he was sure someone else buying gas would help. Where is the customer service in this, she wonders?

### Training

Training on Customer Service and other AODA requirements was widely viewed as “underwhelming” and should be revamped with input from persons with disabilities. The current lessons were said to consist largely of common sense advice like don’t leave a person sitting in a wheelchair behind a closed door. The Review heard that training adds up to only four hours and can be taken through an online link in 15-minute increments during the lunch break – and no one checks if you pass.

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*Training on Customer Service and other AODA requirements was widely viewed as “underwhelming”.*

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The consultations offered various ideas for improvement. Some suggested that training should be tailored to the sector rather than one size fits all, while others felt that specific training should be provided for specific jobs. It was observed that the training is often not internalized and should be repeated at least every two years. Large organizations should treat AODA training like mandatory safety training with certified trainers and a detailed list of required content. Training should address the types of accommodation generally required by people with disabilities, such as how to interact with them and how to assist with filling out forms. Training materials should be culturally sensitive and work with perspectives on disability from diverse backgrounds. To address attitudinal barriers, the content should include information about under-representation of people with disabilities and the barriers they experience.

As well, more e-training modules on customer service would be helpful and the government should provide more visual tools to businesses, especially smaller ones, so employees get a strong idea of why we are doing this. A further idea was to create a formal training validation system. People with disabilities could be employed to evaluate the effectiveness of the training provided, and establishments could post a placard or sticker confirming satisfactory results.

In addition, a MAAC from a small community suggested that the requirement to train volunteers should not apply to those volunteering for just a single day.

### Service Animals

Some of the most contentious issues brought to the Review involved service animals. It was reported that many people with service animals are having trouble entering businesses and other public venues – in direct violation of the Customer Service standards. For example, a retired combat veteran and paramedic, who has been diagnosed with PTSD, was denied entry to a café patio with his dog that has had years of training. Other individuals complained of taxi drivers refusing service animals for fear saliva could get on them.

Some participants observed that the introduction of emotional support animals, which are considered service animals based on a health care professional's note, have led to an epidemic of untrained "fake" service animals that are out of control. This gives all service animals a bad name, makes business owners wonder about their responsibilities and leads some to exclude all service animals.

The Review heard calls to change the law so that all service animals must be trained to assist their handler to perform tasks that mitigate disability without being disruptive in a public environment. Training could be provided by the handler, but all animals should have to be tested and certified by a third party. A doctor's note should not be treated as proof of service animal status, but rather as a recommendation to seek formal obedience training for the animal.

Another proposed revision to the standards was to add conditions under which a business can exclude a misbehaving service animal – for example, if the animal is aggressive or disruptive or



not housebroken. It was also suggested that animals in the process of training should be allowed to enter the same premises as service animals can, subject to the same behavioural restrictions.

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*The Review heard calls to change the law so that all service animals must be trained.*

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Verification requirements also sparked debate, with some stakeholders contending that a person with a disability should not be obliged to use an identifying piece of service animal equipment or carry a formal health letter. If it is not obvious that the animal is a service animal, the business should be allowed to ask and should accept credible verbal assurances.

Not everyone agreed, however. One individual said he believes a doctor's note requirement is better than certification, which creates financial and distance barriers. He would also prefer to require a doctor's note even if the animal is clearly marked because vests, harnesses and patches are easy to come by. A community group felt that service animal handlers should be required to carry proper identification from either an accredited training school or from government.

A woman with a mental health disability explained that she handles a service rabbit that is trained to do pressure therapy and retrieve her medication. She felt it would be a shame if service animals were restricted to dogs as seems to be happening in other provinces.

The presence of service animals in schools was another issue that arose. The Review was advised that each school board now decides on its own whether to permit service animals in the classroom. Autism assistive dogs are reportedly being refused despite the benefits of calming children, helping them focus and keeping them safe. Boards apparently fear the dog will distract other children and it will fall to the teacher to look after the animal.

## **Transportation Barriers**

At the London session, the Review was told that an accessibility advisory committee held an open house to seek input on what the municipality should do to improve accessibility. The top issue was transportation. The reason is perhaps obvious: if you can't leave your home, there will be no job, recreation, shopping or other opportunities. Better transportation requires money and leadership, stakeholders in several communities emphasized.

Across the province, current transportation services received mixed reviews. One participant believes the TTC is one of the most accessible transit systems in the world. More generally, many felt that transportation accessibility overall has improved under the AODA. And it was observed that the public transportation mindset has changed from a preoccupation with compliance costs to a focus on improving service for everyone.

On the other hand, some of those consulted were very dissatisfied. One individual noted that few Toronto subway stations are accessible and, in those that are, elevators and escalators often don't work. An advocacy group called on the government to convene a summit with leaders from the disability community and the transportation sector to come up with substantially stronger reforms to the Transportation standard than those the Transportation SDC has recommended. The current standard should be revised to spell out which barriers must be removed and when – for example, setting specific requirements for public transit stations and increasing the size and number of mobility devices transit vehicles can accommodate.

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*Specialized transit users spoke of spending long wait times on the phone booking rides, often to find out there was nothing available.*

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In a major GTA transit system, the Review heard that next-stop indicators on buses often malfunction and drivers do not call out stops when this happens. Bus drivers in some communities were said to be untrained or insensitive or both – unwilling to lower the floor for people who have trouble walking or not lining the bus door up with the platform.

Priority seating in some places is not working out as intended. Despite clear signage, seats intended for wheelchair access are being taken up by able-bodied people, baby strollers and even grocery carts. And drivers apparently are not permitted to ask riders to give up their seats or fold up their strollers. As a result, people with disabilities are forced farther back on the bus or left at the bus stop. Municipalities were urged to bring in and enforce stronger rules around priority seating.

Some concerns seemed to have more to do with the general shortcomings of public transit – with calls for more flexibility and options regarding routes and schedules. Another idea was for GO Transit to introduce pre-boarding of trains by people with mobility devices, white canes or service animals, to enhance access and safety.

A municipality suggested amendments to AODA standards to mandate the same accessibility requirements for ride-sharing services as for taxis. Similarly, a community group proposed that municipalities in the future should license only accessible taxis and ride-sharing services and require training for drivers, business owners and employees.

### Paratransit

Specialized transit users spoke of spending long wait times on the phone booking rides, often to find out there was nothing available. This was said to make getting to work on paratransit a nightmare. Others told of being advised to book two weeks in advance to guarantee service at a certain time on a certain date – despite the AODA standard requiring same-day booking where available, with no more than a day's advance notice required otherwise. As one rider put it, "Equal access does not mean a person has to plan their entire lives for the ease of public transit." The underlying problem appears to be that there are not enough paratransit vehicles on the road in many communities.

The Review learned of a specialized transit system that does not offer weekend service while conventional transit does, despite AODA regulations requiring comparable service. Speeding up the application process for temporary paratransit service on emergency or compassionate grounds was also suggested. This should take no more than two business days, whereas the current regulation merely says earlier than 14 days.

## **Barriers Facing People with Environmental Sensitivities**

People with environmental sensitivities report seeing no benefit from the AODA. If they request that scents, fragrances or other products not be worn in workplaces or places where services are provided, the reaction is often disbelief. Some organizations may say they are striving to be scent-free, but that does not make it so at public events. Though warning signs about chemicals and fragrances are often posted in hospitals and other health care settings, they are rarely enforced.

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*People with environmental sensitivities report seeing no benefit from the AODA.*

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Safe housing is described as the primary medical need of people with ES but is virtually impossible to find, leading in some cases to homelessness. Even with a somewhat accessible home, a woman told how she has to remain housebound due to barriers outside. Many people are forced to ask if every service or thing they need is safe to access – an exhausting task. An Ottawa woman related how she could not be hospitalized with a life-threatening condition as no area hospital would accommodate her needs. Individuals at the severe end of the spectrum end up losing their families and living in isolation without support for basic survival. In moderate cases, employees give up careers because of lack of workplace accommodation and students cannot go to school.

A public education campaign was suggested to portray the impact of these disabilities on a person's life. As well, the government was urged to implement the recommendations of the Interim Report of Ontario's Task Force on Environmental Health (July 2017). This called for action to increase understanding and recognition of these conditions and lay the groundwork for a patient-centred system of care, including making hospitals and long-term care homes safe for these patients.

## **Education Barriers**

A number of families of children with disabilities told the Review that the education system is badly broken from their perspective. Even though the system is funded by the province, there has been little progress with accessibility. Toronto, for example, was said to have few accessible schools. And a recent report by the Ontario Human Rights Commission has outlined serious accessibility barriers in elementary, secondary and post-secondary education.

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*Families of children with disabilities told the Review that the education system is badly broken from their perspective.*

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At the Grandview meeting, parents spoke of inconsistencies across the school system. Different boards have different categories for determining who gets an Individual Education Plan, and the number of educational assistants seems to vary greatly from board to board. One family decided to move their home so they could change school boards because a doctor said their son was educable but the school acted like he was there to be babysat. A mother phones the school board's special-needs office every day to prevent the school from "mainstreaming" her child so an EA can be shared. Another parent told of having to "fight for everything" when a school resisted giving her child an IEP.

### Students with Dyslexia

The Review was informed that students with dyslexia form the largest cohort of special-education students – approximately 40 per cent. Yet stakeholders say the Ministry of Education has not adopted evidence-based instructional methods that would make learning to read accessible to these students. They believe these methods help all struggling readers no matter what the cause and make learning-disabled students better readers.

Moreover, the ministry does not require training of either classroom teachers or special-education teachers in how to identify dyslexia, how to teach evidence-based reading to children, or how to remediate reading in students who are dyslexic. In fact, in 2014, the ministry removed the term "dyslexia" from its policy on the larger category of learning disability, a step that is out of step with global trends. Proposals to make the system more accessible include rewriting the curriculum for the early grades, producing a dyslexia handbook for teachers like the one for autism spectrum disorder, and screening all incoming kindergarten students for risk of dyslexia.

### Intractable Barriers

Attitudinal barriers remain intractable at both the K-12 and post-secondary levels, the Review heard. Stigma still surrounds mental health disabilities, the largest category requiring accommodation in post-secondary institutions, as well as learning disabilities, which rank second.

A post-secondary student told how the university limited her use of an accessible study space in a lab to three hours at a time because of demand, instead of expanding the space. The Review was also informed that a shortage of interpreters and captioning services is leading institutions to hire interpreters with poor skills and subject matter knowledge, affecting students' ability to participate and leading some to drop out.

A high school graduate who withdrew from college described her disappointing educational experience. She is not physically capable of handwriting, but in high school was not given an EA and though she was promised notes and lesson plans would be scanned for her, they weren't.

The school gave her a science credit without having to attend any classes so she could graduate. She went to college in animal care where she says she spent four semesters learning how to write résumés and covering letters before leaving the program. She feels she should have been more of a squeaky wheel.

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*Universal design for learning is beginning to catch on in Ontario schools.*

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In a more positive vein, the Review was advised that universal design for learning is beginning to catch on in Ontario schools. This is a student-centred approach that offers flexibility in the way courses are designed as well as accessible learning formats with an emphasis on digital technology. And a post-secondary institution reports it has built accessibility into its online course development process so that every new course will be accessible.

The Review received a submission about a novel form of accessible education from a student living in a hospital. While physically unable to get to the classroom, he was able to participate in live classroom sessions through digital technology, most of which was in his hospital room. This differs from distance education, where students are not in a traditional classroom with teachers and other students. He found his experience as a “virtual student” rich and rewarding and believes that this learning option should be available to any student on request.

### SDCs Ready for Work

As noted earlier in this report, SDCs were created for K-12 and Post-Secondary Education by the previous government but their activities were suspended for the election period and have not resumed as of this writing. Many stakeholders called on the current government to lift the freeze so these groups can get back to work. Some stressed that the committees should concentrate on non-regulatory accessibility measures, as these will get results faster.

Before halting work, the two committees decided to collaborate on issues of common interest, such as transition planning for students moving between school systems or into employment or community living. The Review heard suggestions for the committees to keep students with autism or other non-visible disabilities in mind, and also to consider the needs of parents with disabilities, such as accessible communication formats at parent-teacher meetings.

### **Health Care Barriers**

Like the Education SDCs, the Health Care SDC stopped work prior to the provincial election. The Review heard numerous calls for the government to lift the freeze on the committee’s activities. The government was also urged to modify the committee’s scope to ensure it addresses barriers throughout the health care system, not merely or primarily in hospitals.

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*Many stakeholders called on the government to lift the freeze on the Health Care and K-12 and Post-Secondary Education SDCs.*

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Medical equipment was a topic of discussion. A man with a spinal cord injury told how he finds transfers to the examining table chaotic, ramping up his anxiety, as staff scramble to get a lift sling in place. A major hospital in a large city has three sites, but some accessible equipment is not available at all three. In fact, the Review heard, some equipment is not even offered on the market, pointing to a need to work with manufacturers.

Comments suggested that the health care standard address such issues as:

- Accessible examination rooms including lifts and adjustable beds.
- Long waiting lists of years for services in the community, so people with disabilities are forced to remain in inappropriate and more expensive medical settings.
- Long waiting lists for attendant services in the community and palliative care.
- Accessible washrooms in hospitals, nursing homes, clinics and doctors' offices.
- Sector-wide customer service training on disability awareness and sensitivity – including information on the interaction between various disabilities and medical conditions, the stigma surrounding mental illness, and the interplay of different disabilities.

People with non-visible disabilities should be kept in the forefront in drafting the health care standard, the Review heard. To communicate effectively, these patients often need more time, the presence of others to support them, and different ways of explaining information beyond standard print.

## **Residential Housing Barriers**

The severe shortage of accessible, affordable housing was brought to the Review's attention. A woman in northern Ontario told of waiting 14 years for an accessible apartment, much longer than able-bodied people have to wait for housing. During that period several totally inaccessible apartment buildings were constructed in the community. Waiting lists for accessible, affordable apartments in large cities in the south were said to reach 10 years.

At the Grandview meeting, the mother of a nine-year-old with cerebral palsy explained how she can't get a wheelchair into the bathroom of her apartment, so has to lift the child. She can't afford to buy a house in today's market, and even if she could, newer houses leave little land for ramps and often have more than one storey while older bungalows have small washrooms. Another participant said she could not find a single accessible rental unit in Oshawa, while yet another found barrier-free condos there but said they were far beyond the means of someone on ODSP. And a university student observed that people who ask for proper accommodation in housing – e.g., automatic doors or lower cabinets – are ignored.

## **Solutions Advocated**

One stakeholder advocated a comprehensive government strategy to address what was termed a growing accessible housing crisis and many participants called for bringing homes within the scope of accessibility legislation. The government was urged to repeal the exemption of houses

from the barrier-free regulations of the Building Code and create a residential housing accessibility standard based on universal design.

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*Universal design implemented at the planning stage was seen as the most cost-effective and simplest way to ensure homes can respond to residents' changing abilities.*

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Some pushed the view that a certain percentage of accessible homes should be mandatory in every new apartment building, condominium or subdivision. This would go beyond the current requirement under the Building Code for at least 15 per cent of suites in multi-unit residential buildings to be visitable. Others felt that basic accessibility should be required in all newly constructed housing and especially housing built with public funds. This would include provision for future installation of elevators and other accessibility features, as well as easy access to the main floor for visitability.

Universal design implemented at the planning stage was seen as the most cost-effective and simplest way to ensure homes can respond to residents' changing abilities. The Review learned that the Canada Mortgage and Housing Corporation has conducted a research project on the cost of accessibility features in new homes. A series of home designs were produced that could be modified over time based on occupants' changing needs, without major upgrades. The additional costs of making newly constructed homes accessible or adaptable in the future were found to be 6-12 per cent of the cost of standard construction, depending on the model and the city where the home would be built. Though not insignificant, these costs were much less than it would cost to convert an existing dwelling to make it accessible.

A further suggestion was for the government to reinstate a program that ended about 20 years ago, providing \$20,000 for home modifications, some recalled. It was pointed out that this funding could enable seniors to remain at home as they age, or allow families to take care of older children with disabilities instead of having to place them in a facility.

## **Proposals for Further Standards**

Looking ahead, stakeholders urged the government to consult promptly with the public, including people with disabilities, to determine what additional standards should be developed. SDCs should then be created for the sectors chosen.

In addition to Residential Housing, there were a number of specific proposals for new standards:

- Electoral and Political Processes
- Sport and Recreation
- Tourism
- Goods and Products.

Municipalities contended that the government should not develop any new standards or significantly revise existing standards that would further obligate the municipal sector. It was felt

that the current standards are comprehensive and still in the process of implementation. The municipal sector does support the government's previously announced plan to develop Education and Health Care standards.

Regarding the electoral process, one advocacy group called for a comprehensive accessibility strategy. This would be based on an independent review of barriers facing voters and candidates with disabilities in provincial and municipal elections.

## **Enforcing the AODA**

As was the case with the Moran Review, enforcement was one of the most prominent issues during the consultations. A solid consensus exists that enforcement of the AODA must be strengthened significantly to achieve an accessible Ontario. The AODA was referred to as a "toothless tiger" and not worth the paper it is printed on without compliance. One participant said the law has teeth, but they are not being used. The way the AODA is enforced now was compared to telling drunk drivers about impaired driving laws and asking them to obey, or trying to enforce speed limits without radar. The comment in the Moran Report that lack of visible enforcement is a critical impediment holding Ontario back from achieving accessibility was cited more than once.

Participants offered various ideas for improving enforcement. More inspectors and more on-site inspections were suggested, along the lines of the Ministry of Labour's inspection program. People with disabilities could be employed to accompany inspectors and help spot problems. Organizations should have to submit proof of how they have complied, not just a checklist claiming they have done so, while all requirements should be enforced, not just the obligation to self-report. On-site inspections should cover the actual accessibility of workplaces, goods, services and facilities – not just paper records. Another idea was to give inspectors and investigators under other legislation a mandate to enforce the AODA when they visit an organization's premises.

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*Tough penalties were considered the best way to get people paying attention.*

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Several participants pointed out that fines imposed should be more than just a cost of doing business: they should make a real impact on the operation. Tough penalties were considered the best way to get people paying attention, as the recent increases in fines for distracted driving demonstrate. Business seems unsure that the government is all that committed to the AODA, so strict enforcement is imperative to send the message that the government is serious.

Municipalities advocated stronger enforcement in the private sector. Residents are pressuring them to respond to local accessibility problems, perhaps by imposing fines when power door openers do not work, but most municipalities feel this is outside their jurisdiction. MAACs in particular are receiving many complaints about businesses. One municipality said it inserted a



line about AODA compliance in an agreement to license an outdoor patio, but has no way to police it.

## **Compliance Data**

Stakeholders pointed out that data released by the ADO shows that compliance is weak or unknown. More than half of businesses and non-profits did not file compliance reports as required. Moreover, ADO audits of selected private sector organizations in 2016 and 2017 found that around one third had not met obligations to prepare multi-year accessibility plans or provide staff with accessibility training.

Some participants believe that more enforcement data should be published – including the names of violators – to deter noncompliance. Specifically, one stakeholder called on the government to release detailed information on AODA enforcement actions at least every three months. This should disclose how many organizations are actually providing accessibility, and not simply how many are filing compliance reports. It should include information about notices of proposed orders and penalties and actual orders and penalties as well as appeals and the outcome – with orders categorized by subject matter. Another idea was to post all AODA compliance reports on a publicly accessible, searchable database.

## **Enforcement Priorities**

A number of enforcement priorities were suggested:

- A focus on big organizations, especially those funded by government, before looking at small business
- Retail stores
- Specialized transit services to confirm they are on a par with conventional
- Progress reports filed by the government and the public sector on their multi-year accessibility plans
- Customer service for people with non-visible disabilities
- Self-service check-out and information kiosks.

The Review was told that architects do not see noncompliance with the Design of Public Spaces standards as a risk. Municipal officials observed that through the site planning process they can only ask developers to follow the standards. The government was therefore urged to delegate DoPS enforcement to municipalities so they can enforce the standards as they do the Building Code. Things would be different if architects couldn't get site plans approved unless they were AODA compliant, participants said. Moreover, the government has not even provided municipalities with funds to review public-spaces site plans, instead leaving the task to unpaid MAAC volunteers.

Parking enforcement is an ongoing problem. Some want the provincial government to make municipalities and shopping malls step up the enforcement of accessible parking spaces, which are being abused. One suggestion was to authorize private citizens to issue parking tickets.

This resembles a program in some Texas communities where consumers take photos of a disability parking spot and a vehicle without a permit, submit them online, and local law enforcement mails a citation to the vehicle owner.

## **Structural Changes Proposed**

### Enforcement Agency

The current state of AODA enforcement led some stakeholders to call for transferring this responsibility to an independent agency not subject to political influence. It was proposed that the government assign AODA enforcement to an arms-length public agency to be created for this purpose.

### Complaint Mechanism

The Review also heard many calls for some form of complaint mechanism for AODA violations. One participant suggested a system for reporting to the ADO when Customer Service complaints to organizations through the required feedback process are not resolved. The mechanism should offer a toll-free number or an online reporting option and should accept anonymous complaints. The ADO would be expected to follow up complaints with enforcement action to secure compliance. Some felt the mechanism should also provide for mediation. The online complaint process under the Americans with Disabilities Act was cited as a model.

As an online participant noted, the ADO now has a contact line. An automated system urges callers to contact the organization involved through the feedback process, and then advises that the ADO is not empowered to respond to individual complaints but uses them to guide education and compliance activities. Callers can leave a message and are thanked for their feedback – but as this participant put it, “I want something done.”

### Dedicated Tribunal

One reason behind the calls for a complaint mechanism is dissatisfaction with the process at the Human Rights Tribunal of Ontario, which is seen as cumbersome, overloaded and expensive. People also worry their names will be made public through the tribunal process, leading to stigma and harassment. As a speaker at the London session put it, people should be able to report accessibility violations and “let someone else do the fighting.” And another commented, the “solution” of going to the HRTO forces vulnerable people to address systemic discrimination as if it were a personal problem, creating additional burdens.

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*“I want something done.”*

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Some individuals who have used the tribunal reported that the process pushes mediation, with most cases that go to mediation settled without a hearing. However, they said they were required to keep the settlement terms secret, enabling the violator to do the same thing again.

One participant suggested replacing the Licence Appeal Tribunal – the current appeal body for organizations disputing orders under the AODA – with a dedicated tribunal to address accessibility only. It was felt this would be more effective. According to online legal information, there have been no AODA appeals reported since 2014.

## **Implementation Challenges**

A recurring theme during the Review was the difficulties many obligated organizations have found in meeting their responsibilities under the AODA. The need for better guidance and more clarity about what should be done, which was emphasized in the Moran Report in 2014, persists. As well, funding challenges, the role of MAACs and supply-side issues were topics for discussion.

### **Guidance and Resources Inadequate**

The ADO received compliments for the resources produced so far, and ADO staff were praised for a strong partnership with the municipal sector, especially MAACs. As well, various groups have created their own valuable resources. Nonetheless, the overall impression is that the current level of support for obligated organizations is far from enough.

A common thread during the consultations was frustration with the unwillingness or inability of the ADO to respond to interpretation and implementation questions. In particular, municipalities said better guidance is needed on the interpretation of standards and the AODA's relationship with other legislation like the Human Rights Code and the Building Code. Phone calls to the ADO for advice were met with suggestions to contact the municipality's legal or IT department. As one municipal official said, he wanted the government's opinion on its own legislation. Likewise, a municipal transit system sought advice on applying standards to real-world circumstances, and received no reply – leading to the conclusion that the government simply does not see itself in the problem-solving business. An academic expert observed that the ADO says to talk to consultants – but its website contains a warning that they are not to be trusted.

### Questions in Need of Answers

Left to interpret standards on their own, participants felt, organizations often get it wrong and make decisions that lead to less accessibility for everybody. The Review was told of examples where better guidance could have made a difference.

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Several years ago, the city council of a medium-size community was advised it was not compliant with AODA standards because the live video stream of council proceedings did not have captions. In order to comply, the council decided to remove every video ever posted from its website – a move some local observers feel was contrary to the spirit of the AODA. In a regional municipality, the communications team found the standards for new websites confusing when it came to handling ancient by-laws, which are public information. They considered posting them on the website but not in an accessible format, but instead decided to leave them off the website entirely and make them available on request – which means all consumers must go through the customer service phone line to get them. In an outdoor public space, there was not enough room for the required slope of a ramp on an exterior path of travel, so no ramp was installed, instead of one with steeper slope.

Numerous other areas for further guidance were identified, including advice to:

- Resolve conflicts between AODA standards and other standards and guidelines.
- Clarify the meaning of “barrier” to tell if all hospital entrances must have an automatic door opener.
- Under the Design of Public Spaces standards –
  - o Provide flexibility where measures are metric but actual products on the market like piping are calibrated in inches.
  - o Specify what constitutes “significant alterations”.
  - o Clarify the meaning of “hard surface” for an exterior path of travel to determine if this includes gravel or grass.
  - o Clarify who decides when the exception for impact on heritage value applies – the accessibility committee, the heritage committee, town council?
- Explain when a renovation is considered “extensive” under the Building Code.
- Calculate how much it is reasonable for a municipality to spend on accessibility, given its tax base.
- Explain how to integrate the procurement standard into purchasing and operational processes.
- Under the website standards –
  - o Clarify the “not practicable” exception for meeting accessible website requirements where fully WCAG-compliant commercial software is not available on the market.
  - o Provide a tool to understand the requirements of WCAG 2.0 – e.g., a video showing steps people go through to use an accessible website or software application.
  - o Explain how to incorporate dynamic maps on a website in accessible manner.

Moreover, the Review heard that municipalities are still struggling with accessible playground designs despite the revised CSA standard published in 2014. “No one has said what an accessible playground means,” as one MAAC member commented.

#### Ideas for Improved Support

A range of suggestions were presented for improving support for implementation. The Review heard strong calls for the government to issue clear, in-depth policy guidelines interpreting standards. As a MAAC member observed, the AODA standards lack specifics and “Everything is open to interpretation”. Legal support such as disseminating legal opinions would also be helpful, especially to smaller organizations.

Further suggestions were for the government to:

- Establish a resource centre where businesses and public sector organizations could ask questions and get answers.
- Create a network of community hubs offering tools, resources and training to support accessibility.
- Provide a comprehensive website devoted to accessibility compliance.

The accessibility website was seen as a one-stop shop for organizations to find out what is required and how to put it into place. Currently there are many different sites on the internet and people have to search for answers, possibly tapping unreliable sources. To have credibility, the dedicated site should be run directly or endorsed by the ADO – so it is clear the content is authoritative.

Targeted support to make it easier for business – especially small business – to comply was advocated. Government should supply toolkits for small business owners so they don’t need experts on staff. Educational tools aimed at Business Improvement Areas would help enhance accessibility in the private sector. Industry-specific training and professional development opportunities should be offered on AODA requirements. A free web-authoring tool was proposed for creating accessible web pages. Unemployed people with disabilities could form an army to go to businesses and tell them about the AODA.

Accessibility for people with non-visible disabilities was felt to require more support than it is now receiving. One stakeholder called on the ADO to establish a working group of non-visible disability experts, including those with lived experience, to develop a series of resources, tools and training modules to help providers of goods and services meet AODA obligations to these consumers.

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*The accessibility website was seen as a one-stop shop for organizations to find out what is required and how to put it into place.*

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The role of MAACs in compliance support for the private sector sparked a spirited exchange. Some felt that MAACs are being asked to play an inappropriate role in facilitating private sector compliance, which is not part of their mandate. One MAAC, however, makes suggestions and offers to help find resources when the private sector is considering renovations, and also presents accessibility awards to vendors at a ceremony attended by local media. Other MAACs invite the private sector to events but do not give any advice to individual businesses, feeling they do not have the expertise to do so. One municipal stakeholder proposed amending the

AODA to require the private sector to create its own advisory bodies, similar to MAACs, perhaps led by chambers of commerce or boards of trade.

### Paper Burden

Some comments touched on the compliance paper burden. The municipal sector stressed that government should require only reporting that provides useful and essential information. Large designated public sector organizations are now obliged to: review and update multi-year accessibility plans at least every five years; provide annual status reports on implementation activities; and complete accessibility compliance reports every two years. These requirements are considered too frequent and administratively burdensome and are seen as a distraction from actual implementation. Business owners have also expressed concerns with reporting requirements and mandatory paperwork.

### **Funding and Incentives**

Paying for accessibility poses a challenge for both public and private sector organizations.

### Public Sector

Municipalities stressed that the process of making Ontario more accessible has been challenging as there is no direct funding to support new requirements. The AODA and its regulations assume “one size fits all” and do not consider varying municipal financial and human resources capacities. As one municipal official commented at the Newmarket meeting, “It’s hard to find financing to move forward as fast as we would like.” In fact, there is a risk that some municipalities may be unable to comply fully.

The province was urged to address the high cost of implementation by providing direct financial assistance to local governments. First, a modest funding pool should be created to help municipalities, especially smaller ones, hire consultants to do accessibility audits and estimate compliance costs. Then further funding should be provided to cost-share capital projects, particularly to comply with the DoPS standards and support asset management plans. Furthermore, it is clear that needed changes go beyond today’s legislative or regulatory accessibility measures, so funding should also be available to exceed current standards.

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Similar support was proposed for other public sector organizations. The Review heard that substantial renovations for hospital accessibility are costly and are being slowed by funding constraints. Centralized funds for training or accessibility audits were suggested, especially for larger hospitals. Educators warned that the situation of students with disabilities will worsen unless accommodation in schools is addressed as early as possible. It is a case of pay now or pay more later.

## Private Sector

Funding for accessibility is especially urgent in the not-for-profit sector. Even an organization dedicated to serving people with disabilities reports it is being forced to balance accessibility with cost when planning new facilities.

The Review was often reminded that businesses need funds for accessibility. Some of the most vocal calls for assistance came from people with disabilities, who noted that the local businesses they patronize have limited resources. It was observed that the U.S. federal government provided much money through tax deductions and tax credits to help business comply with the Americans with Disabilities Act. One participant said that the government should reassure business and all citizens that accessibility is affordable and show up with money to help.

Some suggested government grants or loans to help businesses retrofit door openers, ramps, railings and building interiors. Another proposal was for both the federal and provincial governments to make business spending on accessibility improvements 100 per cent tax deductible in the year of installation. To encourage developers to build accessible projects, the Review was told the procurement process should include incentives to meet not only the letter but the spirit of the law – the AODA, the Building Code and the Human Rights Code. Yet another idea was to provide large-scale incentives to businesses to retrofit buildings and to consumers to renovate homes.

Redistributing money now allotted to the ADO was also suggested. This could be invested in grassroots ventures that are getting actual, positive results now, so they can scale up their operations. The StopGap portable ramps initiative was cited as an example.

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*The Review was often reminded that businesses need funds for accessibility.*

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An annual provincial accessibility awards program was proposed to share exemplary practices and celebrate the accomplishments of leading organizations. This could provide a powerful incentive for others to follow.

## **Role of Municipal Accessibility Advisory Committees**

Overall, municipalities viewed MAACs as a success in facilitating engagement of people with disabilities in local governance. However, the AODA has changed the role of MAACs from what it was under the Ontarians with Disabilities Act. The original mandate of MAACs was to advise on local solutions to local problems, while the AODA requires them to review technical requirements and administrative transactions. Stakeholders called for the government to help build the capacity of MAACs by providing resources such as training and an orientation package.

The Review heard concerns that in large municipalities, it is not realistic to expect the MAAC to fulfil all the consultation requirements in the AODA. A solution might be to allow additional advisory groups that do not necessarily report to the municipal council to handle some of these responsibilities.

For smaller municipalities that do not have MAACs – said to number about 200 – the Review was advised that government assistance is necessary to support AODA compliance. An option could be to establish one central, or several regional, accessibility advisory bodies. At the least, more should be done to share best practices among municipalities showcasing examples of accessibility improvements.

Another issue was the make-up of MAACs and whether they reflect a cross-section of disabilities. In particular, it was proposed to require municipalities to include representatives from the local Deaf and hard of hearing communities on MAACs.

### **Supply-Side Issues**

The Review was told there appears to be a disconnect between AODA requirements and allowable equipment designs in the hospital setting. What is needed is a standardized list of manufactured products – such as handwashing sinks – that could be used for retrofits.

The municipal sector made the point that government should take steps to facilitate an adequate supply of vendors providing accessible goods and services to municipalities and other organizations. Supply problems were attributed partly to non-compliance by private sector vendors and partly to lack of products and services on the market.

### **Disability Issues Apart from the AODA**

During the consultations, many people with disabilities discussed problems and issues that affect them but fall outside the realm of accessibility under the AODA. Indeed, disability rights is a broad topic that covers all aspects of daily life. Below is a brief outline of the main concerns raised on these wider issues.

### **Employment Initiatives**

In addition to the AODA Employment standards, the Review heard that companion initiatives are needed to expand employment opportunities for people with disabilities. One advocacy group urged the government to develop a new and stronger Ontario disability employment strategy, supplementing the existing Access Talent strategy. This should be done in consultation with employers and people with disabilities.

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*One advocacy group urged the government to develop a new and stronger*

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Under the proposed strategy:

- "Raising awareness" among employers about the benefits of employing people with disabilities should not be treated as a core component.
- Government should lead by example through the employment of people with disabilities in the OPS and the broader public sector.
- In purchasing goods and services and awarding loans and grants, government should give preference to organizations with a strong orientation toward supporting employment of people with disabilities.
- Government-created barriers to employment of people with disabilities should be eliminated. For example –
  - o Sometimes working-age people with disabilities give up a place in a daytime enrichment program to take a job and it doesn't work out. If this happens, services should be reinstated rapidly.
  - o ODSP drug coverage should be replaced for people with disabilities who begin working.
- All students with disabilities in K-12 education should have an experiential learning opportunity, to work towards a good reference to help get their first paid job.

Another stakeholder proposed creating centralized funds to help offset the costs of workplace accommodations. Large organizations should be required to create a shared fund for all their locations or subsidiaries. And government should set up a centralized fund for small business, with each business required to contribute and the fund managed privately like health insurance or operated directly by government.

The Review heard that many employers have misconceptions about the abilities of people who are Deaf or hard of hearing. These are often disguised as concern for safety, unawareness of accommodations or perceived undue financial hardship in providing accommodations. Transition, career support and employment services for Deaf or hard of hearing youth pursuing skills training or post-secondary education were suggested to help overcome some of the barriers.

Another proposal was for the government to provide incentives to Ontarians with disabilities to start their own businesses, coupled with a program to publicly recognize their successes.

### **Living in Poverty**

The Review received more comments on the Ontario Disability Support Program than on any other government activity, apart from the AODA. Participants observed that a 10-year benefit freeze from 1998 to 2008 led to a 30 per cent loss in cost of living increases. The 1 or 2 per cent raises since do not cover inflation, leading many to demand increased support at least to match cost of living trends.

Living with disability is difficult as we are under the poverty line, a speaker observed. Others told how they don't get enough money for housing so end up taking money from basic needs, forcing them to use food banks. If a spouse earns money, the person on disability loses money, which usually keeps the family under the poverty line. A single mother said she wants to see the budget for shelter increased to reflect family-sized rental units in Toronto. She is living with only two of her three children because she cannot afford enough rooms for the whole family. In short, the ODSP is not enough money in today's world.

"If we don't have adequate income, access to the rest of society is almost a moot point," one speaker at the Thunder Bay meeting observed. He added that the ODSP keeps people under its thumb. "It is not there to help you get employed – but to see how little we can pay so you don't die in the street."

One participant said the program is beginning to look for client feedback to learn what services are really needed beyond money. He suggested developing a client package listing all resources within the community as a reference point where people can begin change for themselves.

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*"If we don't have adequate income, access to the rest of society is almost a moot point."*

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The ODSP has a benefit for service dogs but not other service animals, and requires proof the dog has been trained by an accredited facility. Some consider these provisions unfair. A woman with environmental sensitivities reported that the ODSP no longer covers air purifiers, water purifiers, organic food, organic beds, respirators, oxygen or other assistive devices she needs to be functional.

Workers compensation was also felt to be letting down people with disabilities. A man injured in a construction accident said he gets a good pension because he was hurt before 1990. But he says that the system has changed over the years so that only a fraction of people hurt at work now get a decent pension.

## **Health Care**

Many comments on health care centred on the system's readiness for an aging population. One participant listed priorities for an age-friendly society:

- More health care funding.
- Figure out how to fund and organize social care.
- Innovation and reform based on data.
- More emphasis on prevention and lifestyle improvement.
- End hallway medicine caused by too many people in hospital with no place to go.

It was noted that caregivers for people with dementia are often other seniors who are not trained as personal support workers. More PSWs are needed so people can remain at home.

Another participant indicated she had been on the waiting list for long-term care for a year. Another said she hoped the forthcoming health care standard would make the system more proactive rather than just responding to disease.

An expert discussed health care planning and forecasting. She explained that existing administrative data can be utilized to project future needs and evaluate success at the level of individual outcomes for different disability groups.

### **Children with Disabilities**

Many families with special-needs children took part in the consultations. They find access to social services to be a big barrier, with one children's centre reporting a waiting list of over a year. While services are government-funded, there is no province-wide funding formula as there is for health care, leading to inequity across the province.

Families told how they face significant extra expenses that parents with able-bodied kids do not need to pay. The cost of anything adaptive seems "astronomical" and the feeling is these costs should be capped by regulation. For example, parents are paying \$500 for adaptive pedals on a bike and \$350 for training wheels, while the price of a new bicycle ranges from \$3,500 to \$4,200. There are sharp markups on pediatric wheelchairs and other assistive devices. Even with 75 per cent coverage by the Assistive Devices Program, a family had to pay \$875 for a wheelchair.

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*Families with special-needs children face extra costs that  
parents with able-bodied kids do not need to pay.*

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Some participants said it was time for Ontario and Canada to bring in national disability insurance as Australia has. The system there is said to have created a more responsive market by giving individuals more control over the services they receive.

Children's speech is the number-one concern parents raise, the Review was advised. Waiting lists for help through schools are generally two to three years, or parents can pay the high cost of speech therapy out-of-pocket.

### **Affordable Housing**

The Review was told there is a five-year waiting list for rent-geared-to-income housing in one medium-size community. More government funding for social housing – public housing, co-ops, not-for-profits – is imperative.

Many feel supportive housing should be a priority. Autistic adults, for example, struggle with housing but could be independent with a little support.

## COMMENTS AND RECOMMENDATIONS

As outlined in the previous section, the consultation process generated an array of insights into the accessibility challenges facing Ontario and how to meet them. My hope is that those who participated will find the Review was listening, even if others sometimes are not.

In crafting recommendations, I have concentrated on actionable measures that can potentially make a significant impact, resulting in the greatest good for the greatest number. Where specific ideas for the content of standards were proposed, I have for the most part left these to be considered through the usual standards development and review process. The consultations also raised several issues of importance to people with disabilities that fall outside the realm of accessibility and beyond the scope of this report. I urge the government to review carefully and learn from all that was said. Every voice counts.

Here are my recommendations to the Government of Ontario:

### RESTORING GOVERNMENT LEADERSHIP

#### **Recommendation 1: Renew government leadership in implementing the AODA.**

Both the Beer and Moran Reports called on the government to “breathe new life” into the AODA. Everyone who commented on this issue agreed that this has not been done. It should be.

##### **A. Take an all-of-government approach by making accessibility the responsibility of every ministry.**

The key is to inject accessibility into the mandate of every ministry – and to direct all of them to foster accessibility both within their internal operations and across the sectors they oversee. Accessibility is not just the responsibility of the Ministry for Seniors and Accessibility. It is the responsibility of all of government. Accessibility should become ingrained in the DNA of both our elected leaders and the public service.

The Premier of Ontario could establish accessibility as a government-wide priority with the stroke of a pen. Our previous two Premiers did not listen to repeated pleas to do this. I am hopeful the current one will.

##### **B. Ensure that public money is never used to create or maintain accessibility barriers.**

The government should establish a strategy and process to see that its funding does not erect new barriers or perpetuate old ones. This monitoring process should cover capital or infrastructure spending; procurement of goods, services or facilities; transfer payments to public

sector partners; business development grants or loans; and research grants. All projects and purchases should be screened for accessibility before funding is approved.

The point here is the physician's adage: do no harm. And once that is put into practice, we can move on to find ways to make the patient – Ontario society – better.

### **C. Lead by example.**

As the Moran Report pointed out, the philosophy behind the AODA is that the Government of Ontario leads the way. This is why most standards take effect for the government first, before being rolled out to the public and private sectors.

A crucial aspect of this leadership is that the Ontario Public Service itself must become a fully accessible employer and service provider. Many big corporations have appointed a Chief Accessibility Officer and the OPS should appoint one too. This position should be held by a full-time deputy minister armed with the authority to drive accessibility within all OPS workplaces and in the delivery of all government services.

A few simple steps come to mind as a starting point for the government to show stronger leadership. The province could refuse to hold staff meetings and public events in facilities that are not accessible. Or it could upgrade the many washrooms in government buildings that are still inaccessible.

### **D. Coordinate Ontario's accessibility efforts with those of the federal government and other provinces.**

Ontario was the first Canadian jurisdiction to bring in standards-based accessibility legislation. Others are following our lead. The federal legislation passed by the House of Commons in November 2018 requires the federal minister to make every reasonable effort to collaborate with provincial authorities with a view to coordinating efforts related to accessibility. Ontario should reciprocate.

In the future, opportunities to harmonize standards or develop standards jointly may arise, helping to make the regulatory system more efficient and effective. As more provinces enact accessibility laws, we could wind up with a patchwork of accessibility measures that make compliance difficult for businesses that operate in more than one jurisdiction. So nationwide cooperation will become increasingly imperative.

## **DISPELLING UNCERTAINTY**

## **Recommendation 2: Reduce the uncertainty surrounding basic concepts in the AODA.**

### **A. Define “accessibility”.**

I heard over and over during the consultations that everyone seems to have their own idea of what the AODA means by accessibility. The result is that organizations have trouble figuring out the ultimate goal they are working toward, and people with disabilities are not sure what to expect. The Beer Report urged the government to bring in a provincial policy that would clarify goals and expectations and answer the question: “what does an accessible Ontario in 2025 really look like?”

I believe the time has come to answer this question. I propose that the government do this by making a regulation defining “accessibility” for the purposes of the AODA and the regulations, as authorized by s. 39(1)(q) of the AODA.

Like most people, I have my own definition of an accessible Ontario. It is this: an Ontario that complies fully with the Human Rights Code – a place where people with disabilities are free from discrimination – where all barriers have been removed and all needs accommodated, to the point of undue hardship. This place is a long way off – but is this the destination the AODA promises, or not?

A sea of fog currently surrounds the implementation of the AODA. It is time to dispel it. People with disabilities want to know exactly what the AODA will do for them. So define accessibility and tell us what we can expect by 2025. And tell organizations what they have to accomplish by then.

Alternatively, the government could issue a provincial policy on accessibility, as proposed by the Beer Report. But presumably this would carry less weight as it would not be grounded in a provision of the statute.

Once the meaning of accessibility has been determined, the government by the end of 2019 should produce a comprehensive five-year plan for realizing this vision by 2025.

### **B. Clarify the AODA’s relationship with the Human Rights Code.**

This is a longstanding issue that was raised in the Beer Report and reiterated by the Moran Report. Yet very little has been done to explain how these two laws – that I would describe as civil rights laws – fit together.

The Employment standards development committee in its initial report in 2018 made improved clarity on the relationship between the AODA’s Employment standards and the Ontario Human Rights Code’s duty to accommodate its first recommendation. The SDC also called on the

government and the Ontario Human Rights Commission to explore the causes of the confusion regarding the relationship as a first step. I second these proposals.

Part of the problem, it seems to me, is the absence of an expressed vision of an accessible Ontario as a place where people with disabilities are free from discrimination, as just discussed. If such a concept of accessibility is accepted, it would make sense to build it into the Integrated Accessibility Standards Regulation. An introductory clause could be added stating that the purpose of standards is to guide organizations toward meeting their responsibilities under the Human Rights Code and in particular the obligation to make reasonable accommodations.

Another useful step could be to change the appeal body for organizations disputing orders under the AODA from the Licence Appeal Tribunal to the Human Rights Tribunal of Ontario. No one made this exact proposal during the consultations. But it occurs to me that as AODA enforcement strengthens, appeals which till now have centred on reporting issues will likely become more complex. Adjudicating them may require considerable accessibility expertise, which the HRTO already has. It seems prudent to consolidate this capability in one place, instead of having two tribunals dealing with similar issues. Moreover, making the HRTO the accessibility appeal tribunal would signal that the AODA is part of the human rights system.

From the outset, the AODA and the Human Rights Code have operated on parallel tracks. I am not sure why this has been done and I propose making their paths cross as much as possible.

### **C. Update the definition of “disability”.**

From consultations and research, the Review learned that the trend internationally has been to shift from the medical model of disability to a social model that focuses on environmental barriers rather than individual health. The Review also heard that people with non-visible disabilities feel left out of the AODA.

I am confident that the current definition of disability in the AODA is comprehensive and does in fact cover non-visible disabilities, or invisible or non-evident disabilities, as they are sometimes called. However, I also believe that the law should serve as an educational tool and it would be helpful to mention non-visible disabilities explicitly in the definition. I would suggest that Ontario consider adopting the definition in the pending Accessible Canada Act, which does this. The federal definition also aligns with the international emphasis on the social model of disability. It reads as follows:

disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment – or a functional limitation – whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person’s full and equal participation in society.

As well, adopting the federal definition would be a positive gesture toward federal-provincial cooperation on accessibility.

Another option, if the government prefers to largely maintain the present definition, would be to add “aging” to the determinants of physical disability, which is now described as caused by “bodily injury, birth defect or illness”. Again, this amendment may not be necessary from a legal point of view. But it could help raise awareness of the connections between aging, disability and the need for accessibility. In addition, “environmental sensitivities” could be added to list of health conditions specifically included under physical disability, in order to increase the profile of these debilitating conditions.

The AODA currently uses the same definition of disability as the Human Rights Code. It would be wise to keep this consistency so, if the AODA’s definition is amended, the Code’s should be too.

## **DRIVING CULTURAL CHANGE**

### **Recommendation 3: Foster cultural change to instill accessibility into the everyday thinking of Ontarians.**

During my term as Lieutenant Governor and since, I have often made the point that while rules and regulations are crucial, what is also required to eliminate barriers is a change of heart. Both the Beer and Moran Reports concurred with this view.

It is a fundamental misconception dating back to the early days of the AODA that standards alone can achieve accessibility for people with disabilities. Standards are not enough because the world we live in is constantly changing as technology evolves, society is transformed, new barriers arise and new ways of removing and avoiding barriers emerge. Moreover, people with disabilities are a diverse group – not only in terms of background but also in terms of needs, values and individual preferences. Standards have trouble keeping up with this dynamic, ever-changing context; they are necessary but not sufficient.

Think of this as like buying a new car. There are standard features that everybody wants and everybody gets – and then there are options the buyer can accept or decline depending on personal needs and taste. Accessibility standards are like the standard features. But people with disabilities often want some options as well.

This is where accommodation plays a role, as organizations can be called upon to respond to individual needs. But accommodation means assessing each situation one by one, and can be an especially difficult process where systemic issues are involved. Few people with disabilities have the time or energy to take on broad social issues as personal problems.

Another fact of life is that the most well-intended rules and regulations sometimes do not get it entirely right. Examples were cited in the consultations, as noted earlier – from even the best



building codes that leave much to interpretation, to power door buttons that some people using wheelchairs cannot push.

The solution is the change of heart I mentioned. What is required is what a member of a local accessibility advisory committee called “accessibility mindfulness” – one of many profound insights brought to the Review by everyday people. All public and private sector organizations should work harder to know their customers, an increasing portion of whom have disabilities, and make more effort to understand and anticipate their needs. All Ontarians should put themselves in the shoes of people with disabilities – and think and act in the spirit of the AODA because it is the right thing to do.

**A. Conduct a sustained multi-faceted public education campaign on accessibility with a focus on its economic and social benefits in an aging society.**

To get cultural change rolling, both previous Reviews recommended extensive public awareness and education efforts on accessibility. Since little has been done, I reiterate this recommendation.

Another insight from consultation participants was the need to rebrand accessibility as an initiative that benefits everyone. Curb cuts are often cited as an example – they help not only people using wheelchairs but also mothers pushing strollers. And likewise ramps aid anyone who wants to avoid stairs. Moreover, accessibility is a boon for the economy. People with disabilities bring talent employers can tap to grow their businesses. And people with disabilities and their families – which together make up an estimated 53 per cent of the Canadian market – have money to spend as consumers.

Demographic change of course intensifies the need for accessibility and this is another point to drive home. The fact is, we all will become disabled if we live long enough, due to the relentless process of aging. Accessibility is for all of us!

The ongoing public awareness campaign should be multidimensional, combining mass media, social media and community events and initiatives. It could include segments on specific disabilities, such as the Bell “Let’s Talk” advertisements on mental health, which are running as this report is written. The campaign should break down attitudinal barriers, celebrate accessibility champions, feature high-profile business leaders showcasing the value of accessibility, and involve all Cabinet ministers in promoting accessibility to their stakeholders – with leadership from the Premier and the Minister for Seniors and Accessibility.

**B. Build accessibility into the curriculum at every level of the educational system, from elementary school through college and university.**

Over the longer term, it is vitally important for Ontario students to learn about accessibility from the early grades on, so it becomes ingrained in their way of thinking – just as recycling and non-smoking have become second nature. Achieving this goal will require leadership and support

from the Ministry of Education and the Ministry of Training, Colleges and Universities, as part of the all-of-government commitment I mentioned.

For example, school boards could be provided with a model curriculum on accessibility so each one does not have to reinvent the wheel. This could be developed in consultation with board and teacher representatives.

Post-secondary institutions should build an accessibility curriculum into professional and technical programs in fields ranging from engineering and marketing to health care and education. The goal is to create a future work force that understands accessibility requirements and how to implement them.

### **C. Include accessibility in professional training for architects and other design fields.**

Such a curriculum is especially imperative for architects, interior designers, landscape architects and other design professionals. The long-run solution to the many built environment problems raised during the consultations lies in embedding accessibility and universal design into professional training for these occupations. Universal design should be top of mind, not an afterthought.

As well, I would urge the government to persuade or require the oversight bodies for these fields to make this training mandatory for entry to practice and also include updates in continuing education programs.

## **DEVELOPING ACCESSIBILITY STANDARDS**

### **Recommendation 4: Direct the standards development committees for K-12 and Post-Secondary Education and for Health Care to resume work as soon as possible.**

While standards are not the whole answer, they represent essential building blocks for an accessible Ontario. It is critical to accomplish all we can through standards.

The Moran Report observed that health care and education were priorities for work on accessibility and called on the government to “undertake a serious process to determine the best method to ensure accessibility advances as fast as possible” in these two areas. The government conducted research on these sectors, leading to the creation of the three standards development committees whose work was suspended before the spring 2018 provincial election.

No one the Review spoke with felt that these committees should be shut down – and everyone who commented on the issue called for them to get back to work. In August 2018, the Ontario Human Rights Commission released a new Policy on accessible education for students with disabilities. This document has strengthened the case for standards by identifying numerous

barriers in both the K-12 and post-secondary systems. The Review also heard many calls for the government to confirm that the Health Care committee has a mandate to consider the entire health care sector, not only hospitals. I agree, having observed accessibility issues in medical offices myself.

At the same time, I note that the terms of reference for all these committees authorize them to recommend practical, non-regulatory initiatives, such as best practices, education and other programs, which could improve accessibility. I would urge the committees to make non-regulatory measures a priority so they can be introduced before new standards are developed and implemented, as that could take years.

**Recommendation 5: Revamp the Information and Communications standards to keep up with rapidly changing technology.**

An accessible digital environment is fast becoming as central to participation in our society as an accessible built environment. So it was troubling to learn through the consultations that the current standards for websites are already obsolete, even though they have not been entirely phased in, even for the provincial government. Among other concerns, the present standards have not really been designed for websites or web content accessed through smart phones and other mobile devices. The Information and Communications SDC is working on recommendations to update the standards and is developing a more complex policy proposal involving regulation based on functional requirements. The government should give their advice serious consideration.

**Recommendation 6: Assess the need for further standards and review the general provisions of the Integrated Accessibility Standards Regulation.**

Beyond health care and education, time is running out to get new standards in operation by 2025. So the government should promptly consult with the public – including people with disabilities – to determine what, if any, other sectors would benefit from accessibility standards, so work can begin.

In addition, the government should launch a review of the general standards in Part I of the IASR, which is overdue. These provisions cover important areas such as accessibility policies and plans; procurement of goods, services or facilities; self-service kiosks; and training on the IASR and the Human Rights Code.

An idea mentioned in the Moran Report that is worth considering is to emphasize barrier removal in the multi-year plans. The present wording does mention barrier removal but this is often overlooked in favour of preventing new barriers, which is the intent of most current standards. It should be made clear that the purpose behind accessibility plans is not only to comply with standards but to exceed them, perhaps by improving the built environment.

**Recommendation 7: Ensure that accessibility standards respond to the needs of people with environmental sensitivities.**

As standards development work proceeds, the needs of people with environmental sensitivities should receive attention. For example, as the Moran Report observed, the Built Environment standard originally proposed by the standards development committee included air quality and ventilation provisions, but these requirements did not appear in the final regulations in the Building Code. I believe this question should be revisited. In the health care sector, standards could be considered to help make hospitals and long-term care homes safe for people with environmental sensitivities.

## **TRANSFORMING THE BUILT ENVIRONMENT**

While this may seem harsh, many in the disability community regard architects and design professionals as “The Enemy”, people who deliberately or in profound ignorance create design barriers that prevent persons with disabilities from making use of the building. The disastrously designed Ryerson Student Learning Centre is one of the most egregious cases in point. YouTube videos by the AODA Alliance, newspaper articles and reviews have catalogued the appalling range of barriers in the centre, as if the designers were deliberately trying to create barriers affecting the widest range of disabilities possible. In a story for CityNews, Ryerson’s “vice-president of equity admitted the new building was designed for style and less for accessibility.” We urge the government to ensure that such facilities are never built again.

**Recommendation 8: Develop new comprehensive Built Environment accessibility standards through a process to:**

- **Review and revise the 2013 Building Code amendments for new construction and major renovations**
- **Review and revise the Design of Public Spaces standards**
- **Create new standards for retrofitting buildings.**

The consultations for the Review have sent a powerful message that the top issue for Ontarians with disabilities is the accessibility of buildings. It is also apparent that the current barrier-free design requirements are inadequate, as demonstrated by the AODA Alliance video on the Ryerson Student Learning Centre and the personal experience of many people, including myself.

Built environment barriers are a form of discrimination. This discrimination by design must end!

To overhaul the Built Environment standards, we need to go back to the drawing board. As a first step, the accessibility requirements in the Building Code should be brought within the standards review process of the AODA. The Moran Report proposed inserting a provision in the

Integrated Accessibility Standards Regulation or the Building Code, or both, calling for review of the barrier-free design requirements through the AODA process. I concur.

The raw material for strengthened Built Environment standards is plentiful. As the Review heard, a host of building codes exist, not only around the world but even within Ontario. Surely we can tap this knowledge base to do much better. This work may also be an opportunity for federal-provincial collaboration, as the federal government and the other provinces with accessibility legislation are also committed to a barrier-free built environment. However, while nationwide barrier-free design standards may be a laudable goal, Ontario should not wait for a consensus before putting its own strong standards in place.

In re-examining the DoPS standards, a specific point on enforcement that was raised during the consultations should be considered. This was also highlighted in the Moran Report, which noted that “unlike the Building Code, the DoPS standards have no provision for pre-construction approval of projects. Hence non-compliance will probably come to light only when people start using the public space. By then, it will be very difficult if not impossible to correct the error.”

The issue of retrofits to buildings is more challenging. It is widely believed that if retrofit requirements are imposed, some sort of escape clause will be necessary for organizations that cannot afford to comply. This would entail a process for assessing financial hardship and granting time extensions or exemptions. Municipal building departments are not in the habit of doing this, as the current Building Code accessibility requirements are applied without financial exceptions. So a new enforcement system would likely have to be set up. This could compound the problems we already face with enforcement of the DoPS standards.

My answer to the retrofit challenge is to take a carrot and stick approach. This seems to have worked with the Americans with Disabilities Act in the United States, where moderate regulation has been combined with strong financial incentives.

As to the stick – regulation – I suggest that Ontario consider adopting the ADA provision that requires removal of barriers in facilities where this is “readily achievable, i.e., easily accomplishable without much difficulty or expense.” Again, this was recommended by the Moran Report but not done. The U.S. regulation goes on to list 21 examples of actions to remove barriers – such as installing ramps, making curb cuts in entrances, adding raised markings on elevator control buttons, installing offset hinges to widen doors, widening of toilet stalls, creating accessible parking spaces and so forth.

Granted, such a provision would involve a financial test but the “readily achievable” bar is lower than “undue hardship”. So organizations should find it easier to comply, leading to fewer disputes over cost and less need for enforcement action. Individuals not satisfied with the resulting barrier removal would continue to have recourse to the HRTO.

### **Recommendation 9: Provide tax incentives for accessibility retrofits to buildings.**

The carrot I propose is accessibility tax incentives along the lines also recommended by the Moran Report, paralleling the incentives in place in the U.S. since the early 1990s. The Beer Report as well suggested exploring tax incentives and tax policies to promote accessibility.

The current U.S. incentives include a small business tax credit of up to \$5,000 annually, worth about 50 per cent of the costs of barrier removal – as well as a tax deduction of up to \$15,000 per year for barrier removal costs incurred by businesses of any size. While the U.S. incentives cover a range of accessibility measures, I am proposing to focus on the built environment as this is currently job one as far as Ontarians with disabilities are concerned.

Ontario's 2018 Fall Economic Statement called on the federal government to introduce the immediate expensing of new depreciable business assets and said the province would parallel such a measure. Presumably new investments in accessibility retrofits would be eligible for this immediate 100 per cent write-off. Even if such a provision is not adopted for all business capital expenses, I propose a 100 per cent provincial tax deduction for expenditures by any business to remove barriers in the built environment.

As well, I recommend a small business tax credit similar to that offered in the U.S. covering half the cost of building retrofits up to an annual limit of perhaps \$5,000. The funding cap requires further study. I note that British Columbia provides grants of up to \$20,000 for building accessibility improvements, while Nova Scotia cost-shares up to two thirds of expenses for renovation projects costing as much as \$50,000.

These business tax incentives should be introduced as soon as possible. There is no need to wait for a new standards development committee on the Built Environment to complete its work, which will be a long-term task.

This is where the all-of-government approach comes in again. Getting these incentives in place will require the full support of the Minister of Finance.

Tax incentives could also be deployed to encourage entrepreneurship by people with disabilities who are taking matters into their own hands. The Access NOW app for rating the accessibility of public venues and the StopGap portable ramps are sterling examples of successful community-based ventures to confront barriers head-on. The government should nurture the growth of this kind of enterprise through financial support such as tax breaks on the purchase of supplies.

### **Recommendation 10: Introduce financial incentives to improve accessibility in residential housing.**

During the consultations, the Review heard that the supply of accessible housing is at or near a crisis. I believe that financial incentives are the best way to tackle this challenge.

**A. Offer substantial grants for home renovations to improve accessibility and make similar funds available to improve rental units.**

The renovation of residential housing will become increasingly critical as the population ages and people want to remain in their own homes. I recall a home renovation grants program my family took advantage of when we moved into our current house about 20 years ago. I would like to see this or something similar reinstated, as would many who participated in the Review. Comparable funding should be offered to rental buildings to improve accessibility for tenants. As was observed during the consultations, the limited funding available under Ontario's current Home and Vehicle Modification Program is inadequate.

**B. Offer tax breaks to boost accessibility in new residential housing.**

I would suggest using the tax system to drive accessibility in new housing as well. Provincial taxes (such as sales tax or the land transfer tax) could be reduced on a percentage – perhaps 30 per cent – of units in new subdivisions, apartment buildings or condominiums with universal design features. The market is beginning to catch on to the fact that accessibility sells – a new condo development planned for Pickering that will consist entirely of accessible units is a case in point. The government could give this trend more impetus through tax breaks.

**Recommendation 11: Reform the way public sector infrastructure projects are managed by Infrastructure Ontario to promote accessibility and prevent new barriers.**

Infrastructure Ontario is the Crown agency that acts as the procurement and commercial lead for major public infrastructure projects in the province. Its role is crucial in creating barrier-free public buildings that will last for decades. It will be important for Infrastructure Ontario – and the Ministry of Infrastructure – to buy into an all-of-government approach to accessibility.

The agency should incorporate accessibility requirements into project plans from the beginning and then monitor adherence to these specifications. Every request for proposals should call for barrier-free design, and proposals that do not comply should be rejected. Firms that repeatedly ignore accessibility requirements in their proposals should be banned from further bidding, at least for a time. In this way Infrastructure Ontario can take the lead in making the built environment accessible and ensuring that the provincial government is no longer implicated in discrimination by design.

## **TOUGHER ENFORCEMENT**

**Recommendation 12: Enforce the AODA.**

I must repeat this recommendation from the Moran Report as the AODA still is not being enforced, in any meaningful sense. In 2017, the latest time period for which information is

available, the Accessibility Directorate of Ontario conducted 1,730 audits, as noted earlier. Compared with the 56,000 organizations required to file accessibility reports, that's an audit rate of just 3 per cent. A mere six compliance orders were issued during the year, with only three imposing an administrative monetary penalty. Moreover, approximately 350,000 more private sector organizations with fewer than 20 employees were not required to file reports and apparently received no scrutiny.

As well, the ADO reported auditing a selection of private sector organizations in 2016 and 2017. The non-compliance rate was about one third for the standards requiring multi-year accessibility plans, accessibility policies and staff training. Audits of public sector organizations in 2016 found a similar rate for multi-year plans. To me, these results suggest extensive non-compliance with what the ADO considers foundational accessibility requirements.

Participant after participant in the Review's consultations called for more aggressive and more visible enforcement of the AODA as essential to achieving the vision of an accessible Ontario. I agree.

Moreover, enforcement should be about more than getting organizations to file accessibility compliance reports or complete other paperwork. The ADO should check out what's actually happening – for example, by visiting websites, taking service animals into restaurants, or riding municipal buses to weigh the accessibility of these experiences.

#### **A. Establish a complaint mechanism for reporting AODA violations.**

The most promising idea for improving enforcement, in my view, was the suggestion to introduce a way for people to file complaints about violation of AODA standards. I believe this could quite easily be implemented by building on the ADO's existing "Contact us" phone and email system.

Currently, telephone callers with complaints are advised to go through the feedback process of the organization involved as a first step. They are also told that while the ADO does not take direct action based on individual complaints, complaints are used to inform educational and compliance activities. Comments and complaints can also be submitted through email. This phone/email process could be clearly branded and publicized as a Complaint Line since this function is not obvious from the way it is presented now.

I understand that the ADO does not have the resources to investigate every complaint. What they should be doing is to look for patterns of discrimination – for example, multiple complaints about the same organization or the same sector about similar issues. They may be doing this, but the problem is that no follow-up enforcement action ever seems to happen. It may be that the current complaint volume is too low for any discernible patterns to appear. If so, that will likely change with a more visible complaint system in place, enabling precisely targeted audits and other enforcement measures.



Closely related to a complaints system is the existing feedback process that service providers are required to establish. It is noteworthy that about nine in 10 of the private sector organizations in the audit sample mentioned above had in fact introduced a method to receive and respond to feedback on accessibility. This is not really surprising, given the keen interest of today's businesses in customer satisfaction. Whether it's having a car repaired or dining in a restaurant or making a purchase online, the experience is often followed up with a survey of some kind. So the feedback process on accessibility is likely to become an increasingly valuable gauge of customer satisfaction as the number of people with disabilities grows. It could be one of the keys that unlocks accessibility.

One suggestion that came up during the consultations was for organizations to do more to publicize their feedback process. This is a good idea. It could be done through on-site signs and prominent website notices, for example.

I believe people with complaints should continue to be encouraged to contact the organization first and use the complaint line if this does not work out. I could envisage people with disabilities forming their own neighbourhood audit teams to visit local businesses, identify any accessibility shortcomings and present their conclusions to the management of the various companies through the mandated feedback process. Depending on the response, they could then decide to work further with the respective businesses or file a complaint with the ADO.

#### **B. Raise the profile of AODA enforcement.**

For enforcement to have the maximum impact, it must be visible. The government should widely publicize its intention to step up AODA enforcement and should also release its enforcement plans. As well, I repeat the recommendation in the Moran Report for the government to publish the results of enforcement activities every three months. This compares with the ADO's current practice of producing an annual compliance and enforcement report. The quarterly releases should include information about notices of proposed orders and penalties and actual orders and penalties, as well as appeals and the outcome – with orders categorized by subject matter.

## **STRONGER SUPPORT FOR IMPLEMENTATION**

### **Recommendation 13: Deliver more responsive, authoritative and comprehensive support for AODA implementation.**

Over the years the ADO, stakeholder groups, educational institutions and consulting firms have produced a variety of resources on AODA implementation. Despite this, both public and private sector organizations need much more help. Existing resources should be marketed more effectively, and new ones developed.

#### **A. Issue clear, in-depth guidelines interpreting accessibility standards.**

One of the priorities emerging from the consultations is for the ADO to issue clear, extensive and authoritative guidelines interpreting standards so it becomes easier to apply them to real-world conditions. The Moran Report made a similar recommendation.

Some of the areas where guidelines could be considered, as noted by participants in the Review, include:

- Websites and web content
- Conditions under which organizations can exclude a service animal from the premises
- Service animals, such as autism assistive dogs, in schools
- How self-service gas stations should serve people with disabilities
- Quality standards for the content of training under the AODA, including how to ensure cultural sensitivity
- How to enforce priority seating in public transit vehicles
- Design of accessible playgrounds
- How to respond to the needs of people with environmental sensitivities
- Strategies for communicating with Deaf and hard of hearing individuals.

#### **B. Establish a provincewide centre or network of regional centres offering information, guidance, training and specialized advice on accessibility.**

One of the strongest themes in the consultations was frustration over the inability or unwillingness of the ADO to respond to questions about how standards work in concrete situations. People seeking advice on the AODA should not be told to ask their own lawyers: the AODA is not a make-work project for Ontario's legal profession.

The interpretive guidelines mentioned above should help. But unusual and even unique circumstances will continue to arise. Questions will need answers and the government should be prepared to provide them through telephone, email or in-person consultation. This will take accessibility specialists who have the expertise to address complex issues ranging from reasonable accommodations at work, to the slope of ramps, to assessing website WCAG conformance. At the same time, skilled, sensitive staff should also be ready to answer questions from people with disabilities about what the AODA means in their particular circumstances. In addition, new resources should be offered, such as industry-specific or even job-specific e-training modules and web-authoring tools for creating accessible web pages.

Such a centre or network could be run directly by the ADO or by a non-government group engaged to do so, as long as it is made clear the operation is ADO-sanctioned.

**C. Create a comprehensive website that organizes and provides links to trusted resources on accessibility.**

The current plethora of online resources requires a roadmap, and the accessibility centre or network should provide one in the form of a comprehensive website. The site should either contain or be linked to all known credible resources on each AODA standard, whether produced or funded by the ADO or by other bodies. The navigation should identify materials for people with disabilities and for obligated organizations. Lists of resources on specific sectors – such as travel – should be provided, all in one place.

While there are many fine-looking websites available now, there is no way to tell how credible they are – especially given the warning about consultants on the ADO website. It will be essential for the ADO to take responsibility for reviewing, endorsing and providing access to a full range of trusted resources.

## **EMPLOYMENT OF PEOPLE WITH DISABILITIES**

**Recommendation 14: Confirm that expanded employment opportunities for people with disabilities remains a top government priority and take action to support this goal.**

In 2017, the previous government announced Access Talent: Ontario's Employment Strategy for People with Disabilities. It set broad objectives – such as person-centred employment services and support for employer champions – but offered few details on how to achieve them.

Promoting equal employment opportunity for people with disabilities is the right thing to do from many perspectives. It reflects our deepest values as a society, recognizing the dignity and worth of every person. It is a plus for the economy – especially as baby boomers retire. Currently, about seven in 10 Canadians are of working age, but that level is projected to fall to about six in 10 by the year 2061.<sup>10</sup> Tapping the employment potential of people with disabilities will be one way to deal with a tighter labour market and keep Ontario prosperous. And encouraging the hiring of people with disabilities is also good for public finances because it turns people receiving social assistance into taxpayers.

I would urge the current government to confirm or revise the Access Now strategy and in either case to introduce specific programs – with funding commitments – to bring more people with disabilities into the work force. Moreover, any employment barriers caused by government itself should be removed. For example, ODSP drug coverage should be replaced when people begin working.

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<sup>10</sup> Statistics Canada – Catalogue no. 91-003-X. Canadian Demographics at a Glance - Second Edition, 2016, p. 9

The success of such a strategy should be measured by the bottom-line result of how many people get jobs. I would count on the Ministry of Economic Development, Job Creation and Trade to take the lead here.

## **SOLVING EVERYDAY PROBLEMS**

### **Recommendation 15: Fix a series of everyday problems that offend the dignity of people with disabilities or obstruct their participation in society.**

During the consultations, many people with disabilities spoke of the practical challenges they face simply going about their daily lives. These are problems that cry out for prompt action by government or other organizations. They ask everyone to espouse the accessibility mindfulness I spoke of earlier. Here are some examples – and I am sure many other items could be added to the list.

To use stair lifts in this province, you need a key. I'm referring to the kind of lifts used exclusively by people with mobility devices – they may lift you up just two steps! I discovered that this practice of requiring a key arose in the early days of lifts when there was a risk that children could get into the works and be injured. Modern lifts are all self-enclosed and it is no longer necessary to require a key and force people to find someone to fetch one for them. The Technical Standards and Safety Authority, which reports to the Ministry of Government and Consumer Services, is responsible for administering this rule. The government must mandate a change to adopt the American standard where in fact keyed systems are prohibited as they are in many other jurisdictions. Doing so would remove one of the indignities people with disabilities encounter in daily life.

Here's another everyday problem. Have you ever noticed that on a snowy day, a lot of accessible parking spaces are empty? That's because the paint used to mark the spots becomes slippery when snow-covered or wet. It's time for a different kind of paint.

Along the same lines, the floors in restrooms in the ONroute highway service centres are slippery and dangerous when wet. Major fast-food chains have figured out how to make their floors more slip-proof, so it can be done.

There is a shortage of sign language interpreters, Deaf Interpreters and captioning providers and this is harming accessibility for people with hearing disabilities. We need our educational system to ramp up training for these vital occupations.

For shoppers with cognitive disabilities, bigger and clearer signs showing a store's entrances and exits would make it easier to find their way.

In hotel decor, there is a trend toward higher beds even in rooms described as accessible. But that makes it hard if not impossible to get into bed from a wheelchair. At present, the greatest

barrier to vacation and travel in Ontario for disabled persons is in fact so-called “Wheelchair Accessible” rooms with inaccessible beds. Lower beds please!

## CONCLUSIONS AND A CALL TO ACTION

This has been a long report, so I will keep my conclusions short.

Previous governments have promised much but delivered less than they should have. Ultimately this is a matter of civil rights for individuals and economic intelligence for government.

On a daily basis, persons with disabilities face discrimination in building design, in snow clearing of bike paths taking priority over sidewalks, in hiring practices and in simply accessing Service Ontario facilities. How many government Members’ riding offices are wheelchair accessible?

From the economic side, full prosperity is not possible until and unless a huge percentage of those on ODSP are gainfully employed and thus, become taxpayers. With at least 53 per cent of the population either having a disability or a family member with a disability, accessibility benefits an ever-increasing majority of the population. Accessibility is not a cost – it is a benefit to everyone.

When the AODA was passed in 2005, there was legitimate hope that real changes, real solutions to grinding, soul-destroying daily battles with the system would soon occur. That has not happened, and it is clear from the hundreds of people we heard from that Ontarians with disabilities want results, not more promises or, worse yet, odious virtue signaling that Ontario is a “world leader in accessibility”. In some narrow areas we are, but for the most part, we are not. This government can change that and your fellow citizens with disabilities are asking you, pleading with you to do so.

To get results, I believe the top priorities for immediate action are:

- Reactivate the K-12 and Post-Secondary Education and Health Care standards development committees
- Make accessibility a responsibility shared by all ministries, an all-of-government approach
- Introduce tax incentives for accessibility retrofits to buildings
- Establish a complaint system for reporting AODA violations
- Reform the management of public sector infrastructure projects to prevent barriers
- Begin work on new Built Environment standards.

The glacial pace of change over the past 14 years has left the disability community deeply disappointed and filled with anger.

We, who are the majority of Ontarians, are counting on the Premier of Ontario and his Ministers to give us hope by acting to solve the clear and present problems before us.

Please don't let us down!

## SUMMARY OF RECOMMENDATIONS

1. Renew government leadership in implementing the AODA.
  - A. Take an all-of-government approach by making accessibility the responsibility of every ministry.
  - B. Ensure that public money is never used to create or maintain accessibility barriers.
  - C. Lead by example.
  - D. Coordinate Ontario's accessibility efforts with those of the federal government and other provinces.
2. Reduce the uncertainty surrounding basic concepts in the AODA.
  - A. Define "accessibility".
  - B. Clarify the AODA's relationship with the Human Rights Code.
  - C. Update the definition of "disability".
3. Foster cultural change to instill accessibility into the everyday thinking of Ontarians.
  - A. Conduct a sustained multi-faceted public education campaign on accessibility with a focus on its economic and social benefits in an aging society.
  - B. Build accessibility into the curriculum at every level of the educational system, from elementary school through college and university.
  - C. Include accessibility in professional training for architects and other design fields.
4. Direct the standards development committees for K-12 and Post-Secondary Education and for Health Care to resume work as soon as possible.
5. Revamp the Information and Communications standards to keep up with rapidly changing technology.
6. Assess the need for further standards and review the general provisions of the Integrated Accessibility Standards Regulation.
7. Ensure that accessibility standards respond to the needs of people with environmental sensitivities.
8. Develop new comprehensive Built Environment accessibility standards through a process to:
  - Review and revise the 2013 Building Code amendments for new construction and major renovations
  - Review and revise the Design of Public Spaces standards
  - Create new standards for retrofitting buildings.
9. Provide tax incentives for accessibility retrofits to buildings.

10. Introduce financial incentives to improve accessibility in residential housing.
  - A. Offer substantial grants for home renovations to improve accessibility and make similar funds available to improve rental units.
  - B. Offer tax breaks to boost accessibility in new residential housing.
11. Reform the way public sector infrastructure projects are managed by Infrastructure Ontario to promote accessibility and prevent new barriers.
12. Enforce the AODA.
  - A. Establish a complaint mechanism for reporting AODA violations.
  - B. Raise the profile of AODA enforcement.
13. Deliver more responsive, authoritative and comprehensive support for AODA implementation.
  - A. Issue clear, in-depth guidelines interpreting accessibility standards.
  - B. Establish a provincewide centre or network of regional centres offering information, guidance, training and specialized advice on accessibility.
  - C. Create a comprehensive website that organizes and provides links to trusted resources on accessibility.
14. Confirm that expanded employment opportunities for people with disabilities remains a top government priority and take action to support this goal.
15. Fix a series of everyday problems that offend the dignity of people with disabilities or obstruct their participation in society.



# Teaching a Student with FASD



## Dear Teacher

You have a student in your classroom who has a Foetal Alcohol Spectrum Disorder (FASD) and needs your help to access education. Thank you for reading this information.

Foetal Alcohol Spectrum Disorders (FASD) is an umbrella term representing the range of effects caused by prenatal alcohol exposure. Each student with FASD is individual and their learning difficulties and disabilities will depend on the extent of damage caused to the developing organs and brain. This damage results in difficulties for students in many areas of the curriculum in the acquisition of new information, linking new information to previously learned information and the practical application of knowledge gained.

1

### UNDERSTAND

FASD is brain damage due to prenatal alcohol exposure

2

### RECOGNISE

Know the signs of a child with FASD

3

### ACCOMMODATE

Success is possible with supports and strategies

## Equality Act

**“[Schools] must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers.”**

**“This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.”**

See: *SEND Code of Practice 0-25: Statutory Guidance*  
<http://tinyurl.com/SENDCode>.



Unless otherwise noted material is excerpted from NOFAS-UK Teacher Toolkit by Project Researcher C. Blackburn and Project Director B. Carpenter. For more information see: <http://tinyurl.com/NOFASUK-TeacherToolkit>. The in-depth Primary and Secondary Framework documents are widely used resources.

# Features of FASD

Each student with FASD has a unique profile.

There are some features of FASD which may be evident in other disorders and disabilities, but these features can be so pronounced in students with FASD, depending on the severity of presentation, that it is worth highlighting them.

- \* **Memory/Learning/Information Processing** difficulties, including inconsistent retrieval of learned information, being slow to learn new skills, inability to learn from past experiences, problems recognising consequences of actions and problems with information processing speed and accuracy.
- \* **Planning/Temporal Skills** including needing considerable help to organise daily tasks, inability to organise time, not understanding the concept of time, difficulty in carrying out multi-step tasks.
- \* **Behaviour Regulation/Sensory Motor Integration** difficulties including poor management of anger/tantrums, mood swings, impulsivity, compulsive behaviour, perseveration, inattention, inappropriately high or low activity level, lying/stealing, unusual (high or low) reaction to sound/touch/light.
- \* **Abstract Thinking/Judgement** difficulties including exercising poor judgement, requiring constant supervision, poor abstract thinking, poor understanding of safety and danger.
- \* **Spatial Skills/Spatial Memory** difficulties, gets lost easily, has difficulty in navigating from one destination to another.
- \* **Social Skills and Adaptive Behaviour** including behaving at a level notably younger than their chronological age, poor social/adaptive skills.
- \* **Motor/Oral Motor Control** including poor/delayed motor skills, poor balance, difficulty in feeding (chewing, swallowing and sucking). A lack of clarity in speech may be compounded by cleft palate or palatal dysfunction.
- \* **Cognition/Academic Achievement**, including working at curriculum levels below peers, requiring constant repetition of instructions, rules and subject areas.
- \* **Language/Social Communication** including lack of understanding of social cues, strong expressive language coupled with poor receptive language skills, lack of empathy for others. Communication can also be affected by cleft palate (see above), hearing and hoarseness.
- \* **Physical symptoms** may include distinctive facial features (Foetal Alcohol Syndrome only), small head (microcephaly), small stature, organ damage and skeletal damage.



## FASD is a Spectrum - an "Invisible Disability"

Diagnoses include: Foetal Alcohol Syndrome (FAS) • Partial Foetal Alcohol Syndrome (pFAS) • Alcohol-related Neurodevelopmental Disorder (ARND) • Alcohol-related Birth Defects (ARBD). The brain develops throughout pregnancy. While only approximately 1/10 of those with FASD have the facial features of FAS, most with FASD have cognitive impairments. Over 400 conditions can co-occur with FASD.

## Understand the Root Cause of FASD

FASD impacts each person differently, students with FASD are 'complex.'

FASD can be and is often diagnosed alongside other disabilities such as Autistic Spectrum Disorder (ASD), Attention Deficit Hyperactivity Disorder (ADHD) Attention Deficit Disorder (ADD) Attachment Disorders and Sensory Integration Disorder (SID).

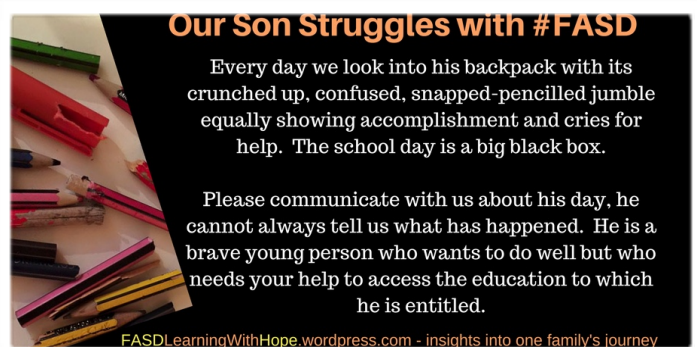
Permanent damage to developing organs and bones can occur at particular periods of pregnancy. Damage to the Central Nervous System continues throughout pregnancy and results in changes to the structure of the brain which cannot be reversed and persist throughout life.

"Transition from primary to secondary education can be particularly difficult for students with FASD and needs to be carefully managed, to ensure that communication is efficient and services to families do not become disrupted. A full assessment of the students needs should be undertaken at this time."

## Your Insight Matters

Students with FASD who receive diagnosis and appropriate support do better.

There are a number of secondary disabilities associated with FASD, the occurrence of which can be reduced by a range of protective factors. Secondary disabilities include: mental health problems; disrupted school experience; trouble with the law; confinement (for mental health problems, alcohol/drug problems or crime); inappropriate sexual behaviour; alcohol/drug problems. A positive educational experience is key.



## BEHAVIOURS ARE SYMPTOMS

Some children will not present any obvious characteristics of FASD; their symptoms will be purely behavioural. It is important that teachers are aware of the true effects of the hidden impairments, so they can recognise and accommodate children's learning needs. Children with FASD may score within normal limits on measures of IQ, appear physically mature, and give the appearance of functioning at a level consistent with their chronological age. Their expressive language may be in advance of their actual age, and their reading skills may be chronologically appropriate. However, the academic abilities of individuals with FASD are below their IQ level; their living skills, communication skills and adaptive behaviour levels are even further below IQ levels; and in areas such as social skills and emotional maturity, they may be performing at half of their developmental age.



# FASD is Brain-Based

## IT'S NOT HOW IT MIGHT LOOK

"My child may 'look' okay to you, but she tries so hard to hold it together in school all day that she has a sensory meltdown when she comes home or refuses to come to school. This is a symptom of an unmet need due to her disability, not bad parenting."

Different areas of the brain can be compromised by prenatal exposure to alcohol, affecting different areas of learning.

## AREA OF BRAIN DAMAGED AND AREA OF LEARNING AFFECTED

### Amygdala

- Ability to regulate reactions with the environment such as whether to attack or escape
- Decision-making

### Basal Ganglia

- Initiation and modulation of motor activity
- Motor timing behaviours, specifically difficulty in producing accurate and consistent motor responses when intercepting a moving target or moving through a spatial target in a specified amount of time
- Cognitive functioning

### Caudate Nucleus

- Regulation of the transmission of information regarding worrying events or ideas between the thalamus and the orbitofrontal cortex
- Effects on learning and memory as well as threshold control activities

### Cerebellum

- Postural control, gait, balance, and the coordination of bilateral movements
- Behaviour and memory

### Corpus Callosum

- Speed of processing
- Connecting two sides of the brain

### Frontal Lobe

- Executive function
- Co-ordination
- Processing and labelling/memory
- Focussing and shifting attention
- Planning
- Understanding consequences
- Maintaining and shifting attention

### Globus Pallidus, Thalamus, Cortex Circuit

- Decision-making

### Hippocampus

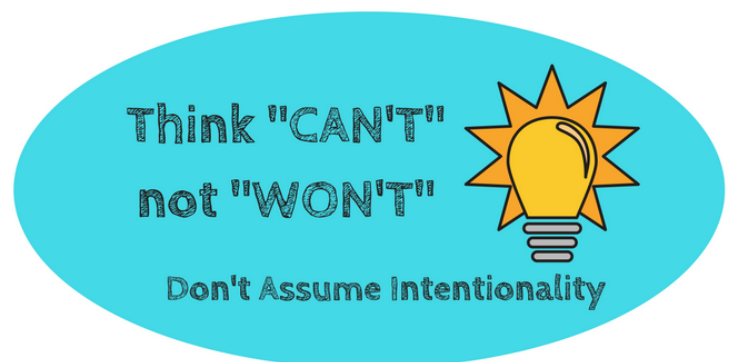
- Ability to consolidate new memories
- General learning and emotional regulation

### Nucleus Accumbens

- Links to reward, pleasure, laughter, addiction, aggression, fear, and the placebo effect

### Parietal Lobe

- Spatial awareness
- Mathematical ability
- Dyspraxia






*An overview of the cognitive effects of damage to different regions of the brain commonly compromised by FASD (Blackburn 2009 from Kellerman 2008, Blaschke et al 2009, Mukherjee 2009)*

## GUIDING PRINCIPLES TO SUPPORTING STUDENTS WITH FOETAL ALCOHOL SPECTRUM DISORDERS (FASD)

<b>Approach</b>	Remember that students with FASD will be developmentally younger than their chronological age, particularly in the area of social and emotional skills.
	Adopt a holistic approach which builds on the student's sensory strengths.
	Provide sequential sensory experiences (visual, kinaesthetic or auditory) and ensure a range of sensory opportunities throughout the lesson so that the student receives a multi-sensory experience.
	Demonstrate rather than describe new techniques, and be prepared to repeat demonstrations, instructions, rules and concepts often.
	Prepare students for new concepts by providing them with any new vocabulary beforehand to practise and learn.
	Provide opportunities for small group and 1:1 work where possible and construct a personalised learning plan based on the student's strengths and interests (usually in the areas of practical and artistic ability).
<b>Communication With Families</b>	Ensure effective communication with parents and carers to reduce anxiety and develop an ethos of partnership.
	Consistent language and approaches used and at home school will provide security and predictability for students who are easily overwhelmed by change and disruption.
<b>Environment</b>	Ensure that the environment is free from distractions as far as possible. This includes distraction from noise, smell, tactile and visual distractions.
	Constant supervision may be necessary to keep students who are developmentally younger safe from harm.
<b>Routine and Structure</b>	Ensure routine is communicated to the student to reduce anxiety and enable them to organise themselves as independently as possible.
	Changes to routine should be communicated to the student soon as possible and the student supported through them.
	Structure will help the student with FASD make sense of their environment. Provide frequent breaks throughout a lesson to give the student time to refocus. It may help if they can do something physical for a few minutes between activities.
<b>Simplicity</b>	Ensure that instructions, directions and tasks are broken down into short achievable, easily understood steps and delivered at a level which is developmentally appropriate to the student.
	Be realistic about expectations.
<b>Understanding</b>	Ensure that the student has understood instructions and directions. Say their name before giving instructions and directions.
	Ask them to repeat what you've said them back to you in their own words.
	Ensure that language used is simple, positive, concrete and free from jargon, sarcasm or idioms.
	Provide visual aids if necessary as students may not always respond to auditory input alone.
	Be specific when giving directions and provide step by step instruction.

# FASD: A Checklist for Inclusion

- 
- 
- 
- ☒ Say the student's name at the beginning of an instruction or sentence. Make sure you have the student's attention before you speak. Make sure you are facing the student so that they can see your facial expressions and gestures.
  - ☒ Use simple, concrete and consistent language across the curriculum and throughout the school. Share language for educational concepts with parents/carers. Think about the language used in tests/exams and whether it matches what the student is familiar with.
  - ☒ Give only one instruction at a time. Keep instructions short; use the minimum number of words.
  - ☒ Say exactly what you want the student to do (e.g. instead of saying "Tidy up", say "Put the scissors in the blue box"), and back this up with pictures if necessary. If you are interrupted whilst giving an instruction, go back to the beginning of your sentence.
  - ☒ Ensure the student has understood by asking them to repeat an instruction back to you in their own words. Give the student time to think about what you have asked of them.
  - ☒ Use positive communication; instead of saying "Don't run", say "Walk". Use exaggerated facial expressions and gestures to give the student clues as to your meaning.
  - ☒ Reinforce auditory input with visual aids and provide students with a visual timetable.
  - ☒ Break tasks into small steps and be realistic about expectations.
  - ☒ Use visual prompts and concrete objects such as puppets for story telling for young students and number lines for mathematics.
  - ☒ Show rather than tell; demonstrate concepts so that students know exactly what is expected.
  - ☒ Provide opportunities for discussion of new concepts before they are introduced in the classroom and check understanding afterwards. Provide opportunities for new learning to be connected to existing knowledge.
  - ☒ Communicate with parents/carers regularly by email/phone/home-school diary.
  - ☒ Provide worksheets which have plenty of white space and do not mix mathematical concepts and operations.
  - ☒ Plan around the student's strengths and interests and provide immediate, frequent praise for each achievement.
  - ☒ Be flexible about how achievement is recorded, consider video, photographic evidence and provide a scribe where necessary for technical lessons such as science where the student may be overwhelmed by sensory stimulation.
  - ☒ Plan multi-sensory experiences based around the students sensory strengths and needs, including activities involving movement.
  - ☒ Remove as many distractions from the environment as possible to enable the student to concentrate on the teacher/task.

# Additional Resources

Understanding FASD will help you be a better teacher. Others also will benefit from your insights. Experts say FASD affects more people than autism.

Most teachers, TAs and other educational professionals have not had in-depth training (if any training at all) about Foetal Alcohol Spectrum Disorders (FASD). Below are links to strategies that are geared toward helping students with FASD access education. Please note, we are sharing some international resources here as well. Some details may not be relevant in various educational systems, but the over-riding principles are the same.

\* **NOFAS-UK Teacher Toolkit** - <http://tinyurl.com/NOFASUK-TeacherToolkit> contains an array of videos and resources from the earlier NOFAS-UK FASD education project, with Project Researcher Carolyn Blackburn and Project Director Barry Carpenter. This includes these two must reads from which this publication is excerpted - please check out the originals for detailed strategies and further insights:

1. Carolyn Blackburn, "Primary Framework for Teaching and Learning Strategies to Support Primary-Aged Students with FASD" - <http://tinyurl.com/NOFASUK-PrimaryFramework>
2. Carolyn Blackburn, "Secondary Framework for Teaching and Learning Strategies to Support Secondary-Aged Students with FASD" - <http://tinyurl.com/NOFASUK-SecondaryFramework>

\* **Specialist Schools and Academies Trust (SSAT), Complex Learning Difficulties and Disabilities Research Project** - Prof. Barry Carpenter and colleagues have prepared extremely useful briefing packs about FASD (includes information & classroom support sheets about FASD) - <http://complexld.ssatrust.org.uk/project-resources/cldd-briefing-packs.html>

\* **Supporting Students with Fetal Alcohol Spectrum Disorders**, explains FASD, its impact on the brain, and behavioural patterns in students with FASD. Strategies for designing classroom instruction and routines to support students with FASD are also highlighted. The resource was developed by Dr. Jacqueline Pei, Stephanie Hayes and Alethea Heudes as a component of Professionals without Parachutes - <http://www.engagingalllearners.ca/il/supporting-students-with-fasd/#0>

\* **Teaching Students with Fetal Alcohol Spectrum Disorders: Building Strengths, Creating Hope**, Alberta Learning, 2004 - <http://files.eric.ed.gov/fulltext/ED491497.pdf>

\* **A Neurologist Makes the Case for Teaching Teachers About the Brain**, Edutopia, with links to other related

resources - <https://www.edutopia.org/blog/neuroscience-higher-ed-judy-willis>

\* **Hey Teacher!** - A pamphlet for teachers from [www.fan.org.nz](http://www.fan.org.nz) - [http://www.fan.org.nz/\\_data/assets/pdf\\_file/0004/33475/Parent\\_Info\\_booklet\\_Hey\\_Teacher.pdf](http://www.fan.org.nz/_data/assets/pdf_file/0004/33475/Parent_Info_booklet_Hey_Teacher.pdf)

\* **Slow Processing** - A video by POPFASD, focusing on difficulties with processing and auditory pace, with suggestions for how teachers can make needed accommodations - <https://www.youtube.com/watch?v=GanTpcTaGWQ>

\* **A Day in the Life of a Child With Executive Functioning Issues**, by The Understood Team - <https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/executive-functioning-issues/a-day-in-the-life-of-a-child-with-executive-functioning-issues>

\* **At a Glance: 8 Key Executive Functions**, by Amanda Morin, Understood - <https://www.understood.org/en/learning-attention-issues/child-learning-disabilities/executive-functioning-issues/key-executive-functioning-skills-explained>

\* **Fetal Alcohol Spectrum Disorders Education Strategies: Working with Students with a Fetal Alcohol Spectrum Disorder in the Education System**, by Kristen Blaschke, Marcia Maltaverne, Judy Struck, National Organization on Fetal Alcohol Syndrome - South Dakota (NOFAS-SD) Fetal Alcohol Spectrum Disorders Institute, Center for Disabilities, Department of Pediatrics, Sanford School of Medicine of The University of South Dakota - <http://www.usd.edu/~media/files/medicine/center-for-disabilities/fasd-educational-strategies-handbook.ashx?la=en>

\* **Understanding Fetal Alcohol Spectrum Disorders (FASD): A Comprehensive Guide for Pre-K- 8 Educators**, Chandra D. Zieff, M.Ed. Rochelle D. Schwartz-Bloom, Ph.D., Mark Williams, Ph.D., Chapter Five: Effective Strategies for Information-Processing & Memory Difficulties (focuses on students with FASD as multi-sensory learners) - <https://sites.duke.edu/fasd/chapter-5-the-fasd-student-and-learning-issues/>

\* **FASD UK YouTube Channel educational videos playlist** - <http://tinyurl.com/FASDUK-EducationPlaylist>

\* **Oregon Behavior Consultation - Cognitive Support Series Videos** (excellent short videos feature Nate Sheets explaining FASD/brain processing): <https://www.youtube.com/channel/UCQ6qtXeMCZ-gvC9tG7LokNw>

\* **6 Things Educators and School Staff Should Know About FASD**, a video on cognitive support by Oregon Behavior Consultation - <https://www.youtube.com/watch?v=fSsCXnsYKRI>

\* **Thank You Teachers! But Did You Really Understand Me & My FASD?** A blog post by parents of a child with FASD after receiving his end of year report - <http://wp.me/p5Xwzi-JB>

# Finding Strategies & Hope Together

- \* **FASD UK Professionals Facebook Support Group** - an FASD UK Alliance forum for multi-disciplinary practitioners and community champions working with families with Foetal Alcohol Spectrum Disorders - <https://www.facebook.com/groups/1025725344110624/>
- \* **FASD UK Facebook Support Group** - an FASD UK Alliance online support for people with FASD and those who care for them - a vibrant online FASD support community for those in the UK - <https://www.facebook.com/groups/FASDUK/>

## Individuals with FASD need to be heard



Claire

I struggle with friendships. It's hard to keep a job



Lee

We are affected daily but to the outside world we look 'normal.' It was hardest in that transition period after leaving school



Nyrene

I love my children but maybe I might not have had a child at 17 if I had more support



Andy

It's important to advise and support others with the struggles of living with FASD

**National FASD Advisory Committee**  
#NFAC @NOFASUK info@nofas-uk.org

## Educational Strengths of Students with FASD

It is important to set the learning difficulties of children with FASD in the context of their strengths. These strengths will become the foundations on which to develop personalised curricula, to encourage and develop further strengths, and build emotional resilience.

- ★ Students with FASD are often ambitious and have a range of practical strengths which are useful in their educational careers and throughout life.
- ★ Many are articulate and have engaging personalities. They enjoy being with other people.
- ★ Many have learning strengths around Literacy and practical subjects, such as Art, Performing Arts, Sport, and Technologies, although they often have difficulties with comprehension,
- ★ While they have working/short-term memory difficulties, rote learning and long-term memory can be strengths.

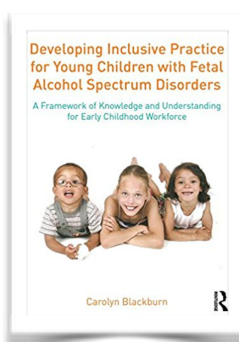
## “My child can learn!”

## FASD Role Models

Adults and young adults with FASD provide insights into living with FASD - this list of FASD Role Models (<http://bit.ly/2k7Wcvx>) includes just a few, there are many, many more amongst us, living lives of courage every day. They give voice to the younger kids who are unable to explain what it's like for them. Many adults with FASD feel they weren't understood in school. The brain-based issues central to FASD are life-long. In the UK, a new National FASD Advisory Committee of adults with FASD is informing NOFAS-UK on issues related to transitions to adulthood.

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**For more information:** National Organisation for Foetal Alcohol Syndrome-UK (NOFAS-UK)  
Web: [www.nofas-uk.org](http://www.nofas-uk.org) • Twitter: @nofasuk • Facebook: NOFAS-UK • Email: [info@nofas-uk.org](mailto:info@nofas-uk.org)  
*Member of the FASD UK Alliance - [www.fasd-uk.net](http://www.fasd-uk.net)*



To contact Dr. Carolyn Blackburn:  
[Carolyn.Blackburn@bcu.ac.uk](mailto:Carolyn.Blackburn@bcu.ac.uk)  
Check out her new book:  
Developing Inclusive Practice for Young Children with FASD (2017)





**ONTARIO  
AUTISM  
COALITION**

**23 Rathfon Crescent, Richmond Hill, Ontario, L4C 5B6 (416) 451-8315**

**For Immediate Release**

**March 11, 2019**

## **Minister of Education's "Autism Announcement" Is Too Little, Too Late**

The Ford government is creating one crisis after another for children and youth with autism. Education Minister Lisa Thompson's announcement regarding school supports for students with autism is far too little, coming far too late. 8,400 kids will be kicked out of the Ontario Autism Program starting on April 1, and will be thrust into the school system which is unprepared to address their needs. This announcement does nothing to offer meaningful support in time for their arrival.

The Ontario Autism Coalition ("OAC") was not consulted prior to this announcement. The OAC first requested a meeting with the Minister to address autism supports in schools, including behaviour training for education assistants, shortly after she was sworn in. We requested a meeting again in December, 2018, to address the issue of student exclusions. Aside from a brief meeting with Sam Oosterhoof in the fall, our request that the Minister open her doors to stakeholders and meet with us have been ignored.

The OAC has already taken issue with the Ministry's flawed pilot programs for EA training and after-school programs. It is mystifying why this Minister would extend those programs, launched by her Liberal predecessor. Similarly, the Connections for Students program already exists and re-announcing it is nothing new.

Additional qualification training for teachers and a single professional development day miss the mark in terms of preparing classroom staff to use Applied Behaviour Analysis (ABA) in classrooms. Teacher and President of the OAC, Laura Kirby-McIntosh, says, *"expecting teachers to take on the responsibility of picking students up after they've been kicked out of intensive therapy is unrealistic and potentially dangerous. You cannot effectively train teachers to use ABA through an online course any more than you can teach someone to become a pro baseball player by showing them videos of ball games"*.

Janet McLaughlin, Associate Professor of Health Studies at Wilfrid Laurier University, teaches and researches in the area of autism policy. She cautions that: *"This announcement by no means makes up for the problems associated with overhauling the Ontario Autism Program. It does not address the lack of transition plan for students exiting the OAP—some children have only been given a couple of months' notice. Many children with autism thrive on predictable routines, and this is not a sufficient amount of time to prepare them for an abrupt transition. It also appears the funding is only for the 1,105 new children entering the system, when the majority of the children currently in the OAP are already attending school part-time, but will not receive additional supports in order to attend full-time. Furthermore, providing \$12,300 per new student actually represents an extension to the deadline of existing supports, rather than a new investment."*

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# **#AutismDoesntEndAtFord**

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The Ontario Autism Coalition is a non-profit Ontario corporation dedicated to advocacy and political action on behalf of people with autism.

[www.ontarioautismcoalition.com](http://www.ontarioautismcoalition.com)

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Likewise, economist [Mike Moffatt concludes](#): “Most of the statement was a re-announcement of things that the government is already doing, designed to generate headlines making it look like these are new initiatives. In a nutshell the plan is: Cancel therapy, put those kids into school full-time instead, make teachers watch a webinar about autism and pocket the savings. A webinar isn’t a replacement for therapy. It’s not good for those kids, nor is it good for their classmates or teachers. Children will be hurt by this, all to save a few bucks”

Once again, the Ontario Autism Coalition calls on Doug Ford and his ministers to re-think his misguided plan for children and youth with autism.

**For further information, contact:**

Laura Kirby-McIntosh, President  
416-315-7939

Bruce McIntosh, Past President  
416-451-8315

Scott Corbett, Parent  
613-617-0240

Janet McLaughlin, Researcher/Parent  
[jmclaughlin@wlu.ca](mailto:jmclaughlin@wlu.ca)

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# #AutismDoesntEndAtFord

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The Ontario Autism Coalition is a non-profit Ontario corporation dedicated to advocacy and political action on behalf of people with autism.

[www.ontarioautismcoalition.com](http://www.ontarioautismcoalition.com)



## FOR IMMEDIATE RELEASE

Toronto, Ontario, March 11, 2019

### **Autism Ontario Responds to Ontario Ministry of Education's News Release "Enhancing Education Support: A Plan for Students with Autism"**

**Autism Ontario is committed to supporting families through this province-wide program change and will work with the Autistic community to find solutions to this process.**

Today's announcement by the Ministry of Education does not address the fundamental concerns and worries that parents of students with autism express to us daily at Autism Ontario. Many of the announced resources today remain thin on details and scope of impact or implementation requirements. This announcement makes no mention of how to resolve the gap that remains between coordinating ABA services between school and the community. With many children expected to experience a loss in service because of [autism program changes](#), and who will enter the school system for the first time shortly, parents are likely to have little confidence in their children's classroom experience.

Autism Ontario knows the antiquated Education Act does not adequately support the learning needs of students on the autism spectrum. The Ministry of Education has not invested in sufficient professional resources and currently, pre-service autism training or professional development is optional rather than mandatory. Research repeatedly shows that adult learning and anticipated behaviour change does not occur through in-service or on-line training modules unless it occurs simultaneously with direct oversight from trained professionals within school settings.

Left with this outdated, old policy, families are being faced with approaching the Human Rights Tribunal of Ontario as the only choice remaining to get their child's education needs addressed within school settings. Not only is this process wildly unfair, it is disruptive and harmful to both the student and their family. Time spent in court is time spent away from the classroom or work. This process is both emotional and financially costly and often results in families feeling separated from their school communities for simply asking for what is fair.

Without proper pre-service training, we will continue to hear stories where the police are called, or where dangerous behaviour techniques are used. Unfortunately, we also hear stories of students who are excluded through suspensions and soft suspensions; a technique often used to keep students home from school on days when the staff have insufficient resources.

Without appropriate funding, students on the autism spectrum will not have access to the required resources to be successful in classroom settings. The allotted \$12,300 announced for each student is not new, and while it might help to ease the financial burden at a board level, it will not guarantee that people hired have the necessary qualifications to support autistic students.

There are many solutions. We need every school to have Registered Behaviour Technicians (RBTs) who are directly supervised in their work. If the student's educational assessment and Individual Education Plan (IEP) identifies ABA support needs (as required in PPM-140), there must be a BCBA overseeing the identified learning objectives and outcomes.

We need to collaborate efforts across Ministries rather than through protective or silo-ed approaches to helping children to learn and that contribute unnecessarily to stress on families, on educators, and most importantly on the learning outcomes for children that have prompted families to pull their children out of school due to these challenges.

This announcement tells us that Minister Thompson is paying attention to influx of students on the autism spectrum entering schools in response to changes to the Ontario Autism Program announced MCCSS in February. However, with the exception of the after school programming, and the commitment to the Connections process, which are welcome; it has only left us with many questions and concerns for the well-being of our autistic students.

**About Autism Ontario:** Autism Ontario has a 46 year history of representing thousands of families and people with ASD across Ontario. We are the only organization in Ontario that has formal parent representation in all areas of the province through our 25 Chapters. We advocate on behalf of all people with ASD and their families – at all ages and stages of life, reflecting a wide range of expression and abilities. To connect with us, visit [www.autismontario.com](http://www.autismontario.com)

**Vision:** Acceptance and Opportunities for all people with Autism Spectrum Disorder.

**Mission:** To ensure that each individual with ASD is provided the means to achieve quality of life as a respected member of society.

New to Autism? Find help for navigating the system after a diagnosis, school issues, and other ASD information; please contact your local **Family Support Coordinator** [here](#).

#### CONTACT:

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**SPECIAL EDUCATION ADVISORY COMMITTEE  
PENDING LIST TO MARCH 27, 2019**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
1	February 21, 2018 SEAC	TBA	Board	<p>Board to provide SEAC with a progress report on the <i>Auditor Report – Chapter 3, Section 3.12 – School Boards’ Management of Financial and Human Resources</i> four recommendations listed on page 109 of the February 21, 2018 agenda, that have not yet been acted on namely:</p> <ul style="list-style-type: none"> <li>• <i>An attendance support program for school board employees;</i></li> <li>• <i>A performance management plan for non-academic staff;</i></li> <li>• <i>A centralized database for employee behavior complaints; and</i></li> <li>• <i>Case management software for centralized tracking of special-education service referrals and backlogs.</i></li> </ul>	Associate Director-Academic Affairs

**SPECIAL EDUCATION ADVISORY COMMITTEE  
PENDING LIST TO MARCH 27, 2019**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
2	April 12, 2017 SEAC	TBA	SEAC	SEAC recommended to the Board of Trustees to investigate the costs to possibly Promote SEAC Special Education information through innovative technological methods.	Superintendent of Special Services
3	November 14, 2018	Ongoing  Ongoing  TBA	Governance & Policy	<p>The following recommendations be referred to the Governance &amp; Policy Committee:</p> <ul style="list-style-type: none"> <li>i. That all existing and new policies be reviewed to reflect the OHRC Accessible Education for Students with Disabilities Policy Document;</li> <li>ii. That the Board's Special Education Plan be reviewed and updated to reflect the OHRC Accessible Education for Students with Disabilities Policy Document; and</li> <li>iii. That the Board put a policy in place that will be reflective of the OHRC Accessible Education for Students with Disabilities Policy Document</li> </ul>	Superintendent of Governance & Policy

**SPECIAL EDUCATION ADVISORY COMMITTEE  
PENDING LIST TO MARCH 27, 2019**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
4	February 21, 2019 Regular Board	TBA	SEAC	<p>14b-#1</p> <p><b>Increasing the Number of Principals who are Experienced with Students with Special Needs</b> that to further promote the inclusion of Special Education Needs (SEN) students and to support the Toronto Catholic District School Board's (TCDSB) Mission Statement of inclusion, that staff prepare a plan to increase the number of Principals and Vice Principals in the system with special education and professional development qualifications and successfully implement the inclusion of SEN students in regular classes as an educator;  SO of Special Services will develop a plan to increase the number of administrators with SE qualifications and receiving professional development in SE.</p>	Superintendent of Special Services & Superintendent of Human Resources

**SPECIAL EDUCATION ADVISORY COMMITTEE  
PENDING LIST TO MARCH 27, 2019**

#	Date Requested & Committee/Board	Report Due Date	Destination of Report Committee/Board	Subject	Delegated To
5	February 21, 2019 Regular Board	TBA	SEAC	<p>14b-#3</p> <p><b>Results of the Toronto Catholic District School Board (TCDSB) Parent Voice Survey (August 23, 2018 Regular Board Meeting)</b> that a parent voice survey be devised to gain perspective of programs and services delivered for students in receipt of Special Education at the Board, and for SEAC to be consulted and included in the development of the survey.</p> <p>SO of Special Services will investigate the possibility of a parent survey specifically for Parents of children with an IEP and report back to Board.</p>	Superintendent of Special Services & Senior Coordinator of Educational Research