



City of Ottawa Response to the 2018 AODA Review

The City is committed to the *AODA* and is continuing to work towards making Ottawa a barrier-free and inclusive city for all. With the development of comprehensive provincial legislation and with the support of our Accessibility Advisory Committee (AAC), the City is working to make accessibility a part of everyday business.

The staff and departments who specifically work to implement the *IASR* and who interact with Ottawa residents with disabilities on matters of accessibility have provided the following feedback.

There are two key recommendations, which, if implemented, would assist our municipality in providing a higher quality of accessible services with respect to accessible web content and the regulation of private transportation companies:

Websites and Web Content

The City has successfully implemented all the *IASR* requirements with the exception of section 14, Accessible Websites and Web Content. Although the City remains committed to the direction of the *IASR* and the requirement to ensure all public facing websites and applications are WCAG 2.0 AA compliant by 2021 compliance continues to be challenging for many of the City websites. The nature of compliance statements themselves, as defined by the W3C, make it almost impossible to a make full conformance claim. Since conformance claims are required on a page level basis and because web content changes continuously, claiming that a 20,000 plus page website like Ottawa.ca is fully conformant to WCAG may not be accurate at all times.

In a digital world, clients expect an experience that is personalized and access to information in real-time. In an effort to provide an increasingly customized client experience, the City of Ottawa strives to adapt to the ever-changing client expectations. These client expectations are on par with what clients receive from commercial organizations and include visual supports, such as dynamic maps on websites. Dynamic maps are an example of a tool that is challenging to make fully accessible for which guidance from the Province would be welcomed on how to incorporate these tools in a manner that is accessible to everyone.

The nature of WCAG itself lends itself to various interpretations for some criteria, even among industry experts themselves. This creates a confusing environment for corporations that do not have internal staff familiar with web accessibility and are fully reliant on external consultants to provide this service. For example, vendors providing



WCAG assessments utilize varying tools or methods for measuring conformance and there can be quite a variance in interpretation between vendors.

Recommendation 1:

The City would like to suggest a new approach to the accessible websites provisions, which builds on the success of the AODA itself. Instead of the focus being on the WCAG Standards that must be met, the AODA should mandate organizations to develop an accessible web:

- **Plan**
- **Policy and procedures**
- **Procurement process, and**
- **Training program**

These steps would demonstrate how the WCAG standards and other accessible web best practices, like incorporating users with disabilities into user-testing, were being imbedded into the organization's core functions and culture.

Instead of a restrictive and absolute conformance to WCAG Standards, organizations could demonstrate a firm commitment to inclusivity to the Province and the community, while still utilizing WCAG as the criteria for which to measure meaningful progress.

Regulation of Private Transportation Companies (PTCs)

In 2016, the AODA Transportation Standards Development Committee commenced its review and released its recommendations in 2017. The City's feedback noted, "[The] review was silent on regulation for ride sharing services – or private transportation companies. In particular, it would be helpful to have provincial regulations in place to ensure equitable access to persons with disabilities to those services provided by geo-location (GPS), third-party technologies". In addition, the General Manager of Emergency and Protective Services sent a separate request to the Province to amend the *IASR* to include PTCs in the Regulation.

The Province has not yet indicated what changes, if any, it will implement, but the summary of the final proposed revisions to the recommendations for the Transportation Standards on the Province's website still do not include any information on PTCs.

While the City has negotiated a voluntary per-trip surcharge (levy) to be paid to the City by licensed PTCs in order to expand accessible service options, municipalities have limited legislative tools to consistently ensure equity and access to these services.

Recommendation 2:

It is recommended that the Province amend the *IASR* to mandate accessible transportation requirements for PTCs as they do for taxis as soon as possible.

If the Province cannot do this in the immediate future, then the City would recommend that the Province authorize municipalities to impose and implement



an accessibility levy, to be applied to those PTCs that do not offer accessible vehicle-for-hire services.

Municipalities could then use these funds to offset costs for a number of programs supporting accessible transportation.

AODA Awareness and Feedback Mechanism

General awareness about the AODA is still a challenge to many residents and businesses. We would ask that the Ontario Government invest in an ongoing public awareness and education campaign about the AODA. The City would also welcome any assistance the Province can provide in creating educational tools specific to the Business Improvement Areas (BIA) to help to enhance accessibility in the private sector for our residents and visitors.

In addition, residents often express frustration with the lack of feedback mechanism about AODA matters. Residents do not wish to file a costly and lengthy *Human Rights* complaint and would like to have the ability to report non-compliance to the Province directly. They would like their issues assessed and addressed with businesses by the Province in a timely fashion. The City would support this approach, as it would decrease the use of municipal resources in dealing with such matters over which it has no enforcement powers. For example, City of Ottawa By-Law Services often must explain to residents that businesses are not required to upgrade accessible features such as accessible washrooms, accessible parking, ramps and automatic door openers in older buildings unless they redevelop the facility.

Compliance Reporting

More customization of the compliance reporting system is required to meet the needs of individual municipalities. For example, Ottawa's transit services are federally regulated, therefore the City of Ottawa does not report to the Province on matters of transportation. The compliance reports should be adaptable to include only the questions that are applicable to each municipality. Since this functionality was not integrated into the 2017 on-line compliance reporting system, Ottawa was forced to answer "no" to a number of compliance questions when the more accurate response would have been "not-applicable".

Procurement

It is recommended that the Province explore outreach opportunities or a public awareness campaign to encourage the public sector to adopt the procurement provision of the *IASR*. The adoption of the procurement provision by the private sector would result in a broader penetration of accessibility and would improve the consistency of application between the public and private sectors. Consistency of application would



help meet public expectations that are now often frustrated by the division between the public and private sectors – particularly as it pertains to web products.

The City has found that the availability of fully conforming COTS (commercial off the shelf) or SaaS (software as a solution) options to be limited. The availability of fully WCAG compliant, commercial software is simply not available at this time.

With regard to COTS and SaaS solutions, the City recommends a clearer definition of the “not-practicable” exception to help organizations fully understand their obligation under the *IASR*. While in full agreement that organizations such as the City of Ottawa must commit to solutions that are accessible, the reality is that internally built accessible solutions are not always practical. The City of Ottawa requires the need to implement external solutions to fit the overall needs of clients. While committed to pushing vendors to meet the requirements, WCAG compliant solutions are not always readily available on the market. With the *Federal Accessibility Act* being released soon, the City is hoping that it will adopt the same WCAG framework to guide companies throughout Canada and possibly narrow the gap.

The City would also like to bring to the province’s attention the significant training and communications efforts required to introduce and integrate the procurement clause into the City’s purchasing process and operational considerations. Although the City undertook an expansive training roll-out strategy, this clause requires substantive ongoing support across the corporation. Additional provincial information and educational material would be beneficial.

Design of Public Spaces (DOPS)

The City of Ottawa has had minimal implementation issues with the Design of Public Spaces standards. Having provincial guidance renders application much easier as we have legal requirements to point to with associated implications of non-adherence.

Further details in some areas would be helpful, such as clarification of the term “maintenance”. When maintaining elements such as utilities, are municipalities required to render the location back to its original state or to render the location fully accessible? In addition, Ontario should create a preferred and appropriate treatment/best practices pertaining to areas of conflict such as the delineation between a pedestrian facility and a cycling facility, which are at the same level.

Conclusion

The City of Ottawa remains committed to meeting and maintaining compliance with the *AODA* and *IASR*. The City respectfully requests that the Province proactively inform municipalities of education and awareness tools and materials that are planned or are in development. The timely receipt of tools and material will facilitate the appropriate



incorporation of these resources into our training, policies and practices to meet the needs of our community. We trust that our feedback and recommendations will receive due consideration.