



## STAFF REPORT INFORMATION ONLY

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### Accessibility for Ontarians with Disabilities Act and Toronto Public Library's Services for People with Disabilities

<b>Date:</b>	October 19, 2009
<b>To:</b>	Toronto Public Library Board
<b>From:</b>	City Librarian

#### **SUMMARY**

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The purpose of this report is to provide the Toronto Public Library Board with information about the Accessibility for Ontarians with Disabilities Act (AODA) and its impact on the Toronto Public Library. AODA became law in 2005 and applies to every person and organization in the province of Ontario. Its purpose is to develop, implement and enforce standards for accessibility in relation to goods, services, facilities, accommodation, employment, buildings, and transportation in Ontario that will become regulations under the Act and achieve an accessible province by 2025.

The Accessibility Directorate of Ontario is charged with the administration and enforcement of the AODA, and is currently developing a compliance assurance framework. Implementation will be achieved through public education, compliance assistance, self-reporting systems and inspection.

Five accessibility standards have been developed to date by individual committees that include people with disabilities and their representatives, members of the business community and the public sector as well as the Government of Ontario: customer service, information and communication, employment, built environment and transportation. The standards are at various stages of implementation.

TPL's commitment to accessible buildings, services and collections is well established. An overview of the Library's current level of accessibility is provided as context for the impact the AODA will have on programs, services and infrastructure. While the current level of accessibility will mean that TPL will already be compliant with some of the legislation as it is enacted, it is anticipated that four of the five standards will require policy and program changes that will have a financial impact on the Library. However, until the details of all of the standards and their compliance timelines are known, it is difficult to forecast with any degree of certainty what that financial impact will be.

## **FINANCIAL IMPACT**

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AODA will have a future financial impact on the Library, but until standards are enacted, regulations developed and compliance timelines defined, it is not possible to quantify with certainty what that impact will be. As they are written now, two of the standards would have significant financial impact on TPL.

To meet the proposed Built Environment standard, it has been estimated using tools provided by the government, that the cost to TPL over five years could be as much as \$46 million for retrofit of existing buildings and an additional \$3.5 million premium on new construction which could not be accommodated in the Library's current capital budget.

A potential requirement to purchase an alternate format for every print title added to the collection would place a major pressure on the existing library materials budget. Additional funds would have to be found or the breadth and depth of the acquisition of new materials seriously reduced.

The Director, Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

## **DECISION HISTORY**

The Board received a report and inventory on barrier free access of buildings in January 2003. In April 2005, the Board received a staff presentation on the Library's services for people with disabilities. Since the announcement of the issuance of proposed accessibility standards, Library staff has maintained contact with the City of Toronto's Diversity Management and Community Engagement staff to ensure that the Library's approach and plans are in keeping with those of the City.

## **ISSUE BACKGROUND**

Toronto Public Library has a long-standing and clear commitment to the provision of services to people with disabilities through its mission, values and strategic initiatives and well developed services and collections. TPL's first strategic plan *Creating the Future Treasuring the Past* 2000-2003 underscored the Library's mandate to serve people with disabilities through its commitment to: improve the accessibility of all branches; expand adaptive technologies both in branches and in virtual services; and, support staff training to enhance service for people with disabilities. The current strategic plan *Our Shared Stories*' strategic focus on engaging Toronto's diverse communities and promoting greater participation in library programs and services includes initiatives to improve service for individuals with disabilities.

Today's services for people with disabilities are supported through accessible buildings, collection development, specialized services, equipment and technology, staff training and policies.

## Facilities

Building accessibility is currently guided by legislated requirements and design guidelines. The Ontario Building Code establishes a basic level of barrier free design that the Library must achieve to ensure that a building can be approached, entered and used by persons with physical or sensory disabilities. These requirements were written primarily to accommodate a person in a wheelchair and make limited provisions for individuals with visual or hearing impairment. They provide for the installation of accessible ramps, doors, washrooms etc. Currently, 93 of TPL's 99 branches are in compliance with the Ontario Building Code barrier free design requirements. The *City of Toronto Accessibility Design Guidelines* provide a more comprehensive approach to barrier free design for all types of disability and 54 of the branches are now compliant with them. Lack of compliance may be as a result of a major remediation required such as an elevator installation, a portion of the library that is not fully accessible, or the installation of fire alarm strobe lights. AODA requirements are expected to meet or exceed those of the City's design guidelines. The National Library of Canada's *The Accessible Canadian Library II* delineates library specific issues such as aisle width between book stacks. The Library's barrier free access program has been one of continuous improvement funded through a combination of operating and capital budgets. Minor access improvements are funded from the operating budget as funds are available; major access improvements are achieved through capital renovation projects.

## Equipment, Furnishings and Technology

Adaptive equipment, furnishings and technology help make library collections and services accessible for people with disabilities. All branches have a basic range of adaptive equipment that includes: study chairs with arms; service desks at wheelchair height; a large screen monitor and keyboards with large print lettering; large font options on all public workstations; and assorted handheld magnifiers. Some branches have adjustable carrels/tables for users in wheelchairs and an accessible/adjustable workstation for computers. In addition to this inventory, some district libraries have closed circuit television (CCTV) that magnifies print material up to 60 times and FM personal amplification systems for use in meeting rooms, theatres and Learning Centres. The Centre for Services for People with Disabilities at the Reference Library provides, in addition to the equipment noted above, additional assistive devices that include a Kurzweil Personal Reading machine that scans printed text and reads it aloud in a synthetic voice, a computer workstation with Kurzweil 1000 software that scans print and reads it aloud in a synthetic voice, computers with screen magnification and screen reading capability, Braille translation software and a Braille printer. New applications and devices are often piloted in the Centre and then rolled out to system with staff training.

## Specialized Services

Home Library Service serves people who are homebound for three months per year or longer due to age, illness or disability. Books, large print books, talking books and other materials are delivered monthly to customers' homes or to branches for pick-up. A special talking book collection (approximately 30,000 volumes) has been developed in

collaboration with the CNIB. There is a smaller collection of described videos. These collections are for use by customers with visual, physical or cognitive impairment.

Bookmobile service and the placement of deposit collections in hospitals, nursing homes and seniors' homes are other ways in which to extend library service to people with disabilities in their community or place of residence.

The Centre for Services for People with Disabilities at the Reference Library provides the most sophisticated level of support for those using library collections and services.

Dedicated staff works together with users to deliver material, provide individual service for people using the library, provide equipment training and the full range of library services.

Other services include:

- the TTY service and Answerline's centralized telephone and email information through which people with disabilities can interact with the Library;
- sign language interpretation at programs and events;
- organized class and group visits for children and youth with disabilities;
- Dial-a-Story and Hear-a-Story.

Staff training opportunities such as programs like "Through Other Eyes" and "Serving Children with Disabilities" are regularly offered to increase understanding and awareness of providing service to people with disabilities. A more recent addition to the training calendar is "Serving People with an Intellectual Disability".

### Collections and E-Resources

The Library has significant alternate format collections to serve the needs of people with a variety of disabilities. These include: closed captioned videos/DVDs, large print books, talking books, described videos, audio books, ebooks, eaudiobooks and evideos. Annual collection plans are developed based on an assessment of past performance, customer use, requests for material, and external trends in areas such as publishing, technology, and the economy. Emerging formats such as downloadable ebooks and eaudiobooks are increasingly available and are published almost simultaneously with little lag time from the original print publication date. In addition, most of the Library's electronic subscription databases and the virtual content created by the Library provide accessibility options for people with disabilities. While the Library's current website has a number of accessibility options, the design of the new website has employed Web Accessibility Guidelines in order to ensure the site will meet W3C standards for the use of colour, movement, layout and access to PDF documents. The new site also includes the ability to reduce the bandwidth required to operate ("No Graphics Version") and therefore works well with slower internet connections such as dial-up as well as hand held devices.

### Policy

There are some policy directives in place that speak to ensuring that library services are accessible to people with disabilities. For example, the Circulation and Collection Use Policy includes a Special Needs status (for fines exemption) for customers who are

certified by a health care professional as unable to return borrowed library materials within a set period of time because of disability. The Rules of Conduct state that animals are not permitted in Library buildings, except in authorized programs or when needed to assist a person with a disability.

## **COMMENTS**

Legislation to improve accessibility for Ontarians with disabilities has existed in Ontario since the 1980's. However, in many areas, accessibility is still limited. The AODA was enacted to significantly improve accessibility through regulation, reporting, inspection and strict adherence to accessibility standards. An important part of making Ontario accessible is breaking down barriers in buildings and public spaces. Standards will help make this happen. A standard explains an accepted way of doing something and states what the requirements are, who has to meet them and by when. The AODA is the first law of its kind in Canada and is intended to make Ontario accessible to people with disabilities by 2025.

Five accessibility standards have been developed to date in five important areas of Ontarians' lives; customer service, information and communications, built environment, employment and transportation. With the exception of the transportation standard, all will have a direct impact on TPL. The standards are at various stages in the legislative process. Each of the standards is developed by a committee. The proposed standard is posted and issued for feedback for a period of months. TPL has responded or is preparing to respond to the four standards that will affect the Library as they are issued. The committee considers feedback received and submits a final proposal to the Minister of Community and Social Services who has a period of 90 days to decide to enact the standard in whole, in part, with or without changes. It is anticipated that the final step will be the enactment of a specific regulation for each accessibility standard that will set out the specific organizational requirements for compliance and the timeframe in which compliance must be achieved.

### Accessibility Standards for Customer Service, Ontario Regulation 429/07

This is the first standard developed by AODA that has reached the point of legislated regulation and as such it provides the clearest indication of what the impact will be for TPL. It came into force on January 1, 2008 and compliance to the standard is required by January 2010. The standard does not address goods and services themselves but rather the way in which they are delivered.

The following requirements of the customer service standard apply to all providers that are covered by the standard. As a provider of customer service TPL must:

1. establish policies, practices and procedures on providing goods or services to people with disabilities;
2. use reasonable efforts to ensure that policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity;

3. set a policy on allowing people to use their own personal assistive devices to access goods and use services and about any other measures TPL offers (assistive devices, services or methods) to enable them to access goods and use our services;
4. communicate with a person with a disability in a manner that takes into account his disability;
5. allow people with disabilities to be accompanied by their guide dog or service animal in those areas of the premises you own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, other measures must be used to provide services to the person with a disability;
6. permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties;
7. where admission fees are charged, provide notice ahead of time on what admission if any, would be charged for a support person of a person with a disability;
8. provide notice when facilities or services that people with disabilities rely on to access or use our goods or services are temporarily disrupted;
9. train staff, volunteers, contractors and any other people who interact with the public or other third parties on our behalf on a number of topics as outlined in the customer service standard;
10. train staff, volunteers, contractors and any other people who are involved in developing Library policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard;
11. establish a process for people to provide feedback on how we provide goods or service to people with disabilities and how we will respond to any feedback and take action on any complaints. Make information about our feedback process readily available to the public.

As a designated public sector organization with 20 or more employees TPL must also complete the following reporting requirements:

1. document in writing all policies, practices and procedures for providing accessible customer service and meet other document requirements set out in the standard;
2. notify customers that documents required under the customer service standard are available upon request;
3. when giving documents required under the customer service standard to a person with a disability, provide the information in a format that takes into account the person's disability.

TPL is compliant or partially compliant with many of these requirements. A full implementation plan has been developed with a target of achieving full compliance by January 1, 2010. The implementation plan includes, for example, an online training module for all staff and volunteers; a review of policy and procedures to identify any barriers that need to be eliminated; and investigating how individuals will be able to connect their personal electronic devices to the TPL network. The exact method of reporting and whether TPL will report directly or through the City of Toronto has yet to be determined by the province.

### Accessibility Standards for Information and Communications

An initial proposed standard was released for public review from November 17, 2008 to February 6, 2009. Based on comments received during the public review process, the Standard Development Committee revised the initial proposed standard and submitted it to the Minister of Community and Social Services along with a document outlining the proposed classes and timelines for complying with the requirements on June 1, 2009 for consideration as law. The proposed standard outlines how businesses and organizations may be required to create, provide and receive information and communications in ways that are accessible for people with disabilities. The standard requires:

- making emergency and public safety information accessible to the public and to employees;
- notifying the public about the availability of information in alternate formats;
- making websites and web content accessible;
- training employees, volunteers and regulated professionals on accessibility issues.

All organizations are required to develop, implement, and maintain policies, practices and procedures to ensure compliance with requirements of the standard. Policies, practices and procedures must also cover:

- making information and communications available in plain language;
- providing communication assistance upon request.

Further, all organizations are required to have written policies that cover:

- how they will deal with requests for information and communications in alternate formats;
- how they will deal with requests for communication supports and services;
- how their procurement policies will address accessibility;
- the criteria that will be used to determine what information and communications will be made available in plain language.

Proposed timelines vary for different requirements, ranging from one year for development of policies and provision of emergency and public safety information to 15 years for procurement of conversion-ready electronic formats for educational library materials. Most requirements are expected to be complied with within the first five years with large public sector organizations taking the lead. TPL is a class three organization with more than 100 employees, and is therefore considered to be a large public service organization.

Public libraries were identified as priority sector for compliance with the standard and are charged with having the means to provide accessible materials. Standards development bodies, the Ministry of Culture in the case of public libraries, are required to submit their proposed standard to the government for consideration. TPL is part of the consultation group for the development of such regulations. The government will decide what will become law and when, and while nothing has been decided yet, there are concerns about the proposed requirements for public library collections in particular. The proposal suggests that materials in alternate formats must be acquired when and at the same time a print publication is purchased. While there is recognition that availability of alternate

formats may be a restriction, there is no recognition that a library's budget and user demand need to be taken into account when making decisions about materials to add to library collections. If public libraries were required to automatically acquire the available alternate format material for every print title purchased, the library materials budget would need to be increased significantly.

#### Accessibility Standard for Employment

Between February 18 and May 22, 2009, the government released the proposed employment accessibility standard for a public review period. The goal of the standard, applicable to all organizations in Ontario with at least one employee, is to help employers create equal employment opportunities for people with disabilities. The proposed standard sets out the specific requirement for the recruitment, retention and accommodation of people with disabilities. The over-riding goal of the standard is to prevent and remove barriers for people with disabilities which exclude them from employment or for the opportunity to contribute to their full ability once hired.

The committee's initial employment accessibility standard proposes rules that businesses and organizations in Ontario should follow to be accessible to employees with disabilities. This includes: preparing accessible employment policies; providing information about a job, including applications, in accessible formats; giving disability awareness training to all employees; and preparing accommodation plans to help employees perform.

As with other standards, proposed timelines vary for different requirements, ranging from the immediate provision of emergency and public safety information to employees in an accessible format when the regulation is enacted, through one year for development of policies, to three years for implementation of employment practices which consistently take into account the requirement of individual accommodations required, before and after hire. Implementation of the standard will require revision of all human resources practice: internal communication to employees through accessible formats; staff awareness training; supportive processes for recruitment selection, performance assessment, and employee retention and development. Several of the recommendations mirror those of the earlier standards; for example, the obligation of the employer to confirm that information related to employment is available for applicants and employees in formats and methods that comply with the standard for information and communication.

The standard requires that Ontario employers involve their employees and union representatives in the development, assessment and maintenance of accommodation plans that take the individual's needs into account. On this point, the Library has achieved a high level of compliance. As required, the Library has provided equipment and employment support for employees with disabilities. The Modified Work Program, incorporated as Appendix III in the Collective Agreement, represents the Library's commitment to provide an appropriate and responsive return to work program for any employee who, due to illness or injury, is temporarily or permanently unable to perform

his or her regular duties. The Library's Diversity Plan will include a review of employment practices with regard to recruitment and retention.

The committee will reconvene to review and consider the input they received and will submit a final proposed standard to the government for consideration as law.

### Accessible Built Environment Standard

On July 14, 2009, the Ontario government released the initial proposed Accessible Built Environment Standard for a public review period. Creating an accessible Ontario by 2025 is a large undertaking, but a goal the government is committed to achieving. The committee's terms of reference outline that this standard will focus on preventing barriers on a go-forward basis that will include all new construction and extensive renovations. Under this proposed standard, all new buildings and buildings undergoing major renovations would need to meet the proposed requirements if passed as law.

The draft standard proposes requirements for various categories of places and spaces in Ontario, including:

- common access — entrances, doorways, ramps, stairs;
- exteriors — curbs, crossings, street furniture;
- plumbing — washrooms, showers, drinking fountains;
- communication — signage, telephones;
- buildings — air quality, acoustics, lighting.

The standard proposes that affected organizations comply with the following timelines:

- new construction to follow the standard within 12 months of it coming into force;
- substantial renovation to follow the standard 12 to 36 months of it coming into force;
- for Assembly Type Buildings (Group A) such as TPL, the proposed standard would require that all Library branches be compliant within five years.

Staff has prepared a response to the proposed standard for submission by October 16, 2009. The two significant concerns are the cost and timeframe proposed in the standard. Using tools that were developed for the government for retrofit cost analysis, it is estimated that for TPL to move all of its branches to the AODA standard could be as much as \$46 million over five years. Using the same cost analysis tool for new construction the cost premium for additional accessibility requirements for construction projects either underway or to be started in 2010 is estimated to be \$3.5 million.

Libraries are classed as Assembly Type Buildings (Group A) – Public and the proposed compliance deadline is five years from filing of the new regulations (Section 2.3.1 Compliance). The Library cannot achieve compliance with the initial proposed accessibility standards within its existing capital budget for state of good repair in the five year timeline.

### Transportation

This standard was created to remove barriers to public transportation, so people with disabilities can travel more easily in Ontario and has been submitted to the government for consideration. The proposed standard outlines ways that buses, trains, taxis, subways, streetcars and ferries can be accessible to travelers with disabilities. It has no direct impact on public library service.

### **CONTACT**

Anne Bailey; Director, Branch Libraries: Tel: 416-397-5944; Fax: 416-393-7083;  
Email: [abailey@torontopubliclibrary.ca](mailto:abailey@torontopubliclibrary.ca)

Vickery Bowles; Director, Collections Management and City-Wide Services;  
Tel: 416-395-5506; Fax: 416-395-5500; Email: [vbowles@torontopubliclibrary.ca](mailto:vbowles@torontopubliclibrary.ca)

Ron Dyck; Director, Information Technology & Facilities; Tel: 416-393-7104;  
Fax: 416-393-7083; Email: [rdyck@torontopubliclibrary.ca](mailto:rdyck@torontopubliclibrary.ca)

Linda Hazzan; Director, Marketing & Communications; Tel: 416-393-7214;  
Fax: 416-393-7083; Email: [lhazzan@torontopubliclibrary.ca](mailto:lhazzan@torontopubliclibrary.ca)

Dan Keon; Director, Human Resources; Tel: 416-395-5850; Fax: 416-393-7083;  
Email: [dkeon@torontopubliclibrary.ca](mailto:dkeon@torontopubliclibrary.ca)

Linda Mackenzie' Director, Research & Reference Libraries; Tel: 416-393-7133;  
Fax: 416-393-7083; Email: [lmackenzie@torontopubliclibrary.ca](mailto:lmackenzie@torontopubliclibrary.ca)

Katherine Palmer; Director, Planning, Policy & E-Service Delivery; Tel: 416-395-5602;  
Fax: 416-393-7083; Email: [kpalmer@torontopubliclibrary.ca](mailto:kpalmer@torontopubliclibrary.ca)

### **SIGNATURE**

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Jane Pyper  
City Librarian