

**Initial Proposed Standard  
for Accessible Information and Communication**

**developed by the**

**Accessible Information and Communication Standards  
Development Committee**

**The Proposal for Public Review – in Brief**

**NOTE: What follows is a brief explanation of the intent and content of the Initial Proposed Standard. If there is any difference/confusion between this document and the standard, use the standard.**

**October 27, 2008**

## **1. The Need for Change**

The public is being asked to provide feedback on an Initial Proposed Standard for Accessible Information and Communication. It has been developed by a Standards Development Committee established by the Ontario government under the Accessibility for Ontarians with Disabilities Act (AODA 2005).

This process is about removing or preventing barriers that limit the participation of more than 1.5 million Ontarians with disabilities in the life of our communities. These Ontarians have much to contribute, and our society is poorer both socially and economically when they are excluded.

In everyday life, we are constantly involved in communicating information – that is, providing, sending or receiving knowledge or data or facts that tell us something. Communication is the process. Information is the content.

Being able to communicate is important for all kinds of activities, like talking to a doctor about a health issue, signing a lease on an apartment, writing an exam, filling out a questionnaire, and buying or selling a product or service.

There are different types of disability, such as limitations on vision, mobility, hearing, and understanding, and there are many ways to give and receive information (spoken word, text on paper, electronic message etc.) That means there are different barriers that arise in a variety of contexts. For example, questions on paper, on the telephone or on a website will pose different barriers and require different solutions.

The Accessible Information and Communication Standards Development Committee has identified specific solutions that zero in on a range of barriers to information and communication for people with disabilities.

## **2. The Committee and the Process**

The membership of the Accessible Information and Communication Standards Development Committee includes individuals with disabilities and representatives of disability organizations and private, not-for-profit and public sector organizations.

There are advisors from Ontario government ministries and from the Accessibility Advisory Council to the Minister of Community and Social Services, as well as other stakeholders.

Among the voting and advisory group, at least half are people with disabilities, advocates for people with disabilities and experts in disability issues. The other half represent business, labour, education, municipalities, health care and other organizations that will be obligated by a standard once it becomes law.

The Committee worked by consensus. That does not mean that everyone around the table had to agree. There was a lot of debate. But, there was unanimous support among the voting members to send the Initial Proposed Standard out for public review.

After considering the results of the public review, the Committee will finalize a proposed standard and send it to the Minister of Community and Social Services. The Ontario government will decide what will become regulations under the AODA.

The AODA reform process is moving forward on several fronts at the same time. There are Standards Development Committees working on:

- Transportation
- Employment
- Built Environment (buildings and other structures)

These Committees are dealing with some aspects of information and communications, like Building Code sign requirements (Built Environment).

Customer Service was the first standard to become law. It took effect Jan. 1, 2008.

The AODA assumes that progress will be made in stages. The legislation requires a review five years after a standard becomes regulation to see what has happened and what still needs to be done. The legislation envisions full accessibility by 2025.

### **3. A Step Towards a Vision**

The Committee's vision for 2025 is an Ontario where information and methods of communication are designed and developed up-front to be accessible to people with disabilities. That is not true today. Old ways of doing things will have to change so that the individual with a disability doesn't always have to ask – because accessibility will be built into all the new products, services and systems.

Websites are a fast-growing means of communication. There are now internationally-recognized ways of making websites inclusive, whether they are static (information only) or dynamic (users can send information to the site). Inclusive means that they can be used by everyone, regardless of disability.

Even with inclusive design of products, services and systems, there will still have to be some personalised accommodation for individual needs and differences.

Current law (Ontario's Human Rights Code) already requires individual accommodation for persons with disabilities. What the Committee has done is to build on that legal foundation by laying out what accommodation for information and communication has to look like as a first step. The proposal being put forward by the Committee would consolidate in a single standard and define what organizations must be prepared to do

to provide formats and methods of communication for people with a variety of disabilities under different circumstances.

This standard would be a “first” for Ontario. It is intended to create consistency in what people with disabilities can expect.

For example, a person with low vision would be able to expect that he or she could get a listing of services or products in large print or Braille copy or electronic or audio format and that the information in those alternate formats would be updated regularly and there would be no extra charge to get them.

The Committee’s Initial Proposed Standard also sets out how people with disabilities will be treated in terms of timeliness, quality and availability by requiring organizations, when providing individual accommodation, to:

- a) give the individual at least the same time to review, respond or use the information and communication for the intended purpose as given to others,
- b) provide the same quality so that it is equally up-to-date, complete, and accurate as is available to others, and
- c) provide the same availability in terms of time and place as is available to others.

The Committee recognizes that this Initial Proposed Standard is just a step towards the vision. Among the questions asked by the Committee is whether the public feels that the step is too small, too big or just about right and if the way forward is clear enough.

#### **4. Application of the Standard**

A standard is an accepted way of doing something. It allows consumers, business and government to have a common understanding of a product, service or business process. According to the AODA, an accessibility standard sets out “measures, policies, practices or other requirements” for the identification and removal or prevention of barriers for persons with disabilities.

Parts of the Committee’s Initial Proposed Standard apply to any organization, public, non-profit or private, that has at least one employee. Other parts apply to certain classes of organization or a part of a class.

There are three classes of organizations that are identified in this Initial Proposed Standard. They are the same as the classes in the Accessible Customer Service Regulation under the AODA.

- Class 1 – Private Sector or non-profit organizations with 1-19 employees
- Class 2 – Private Sector or non-profit organizations with at least 20 employees

- Class 3 – Public sector organizations with at least one employee

However, the Committee also singled out a group of organizations within Class 1. They are organizations providing “critical services”. This group is described as including doctors, lawyers, organizations providing financial services and counselling services.

There are requirements for these organizations (Class 1 - Critical Services) that are not required for other organizations within that class.

As for timelines, the dates for compliance – except where the standard says otherwise – are:

- Class 1 by Dec. 31, 2013
- Class 2 by Dec. 31, 2012
- Class 3 by Dec. 31, 2011

There are some exceptions, including emergency and public safety information (which has to be done within three months of the standard taking effect) and business enterprise systems (which are given longer timelines because of their size, cost, complexity and their importance to organizational operations like payroll).

Among the key questions for public review: are these the right classes and general timelines.

## **5. Requirements for all Classes**

The Committee’s Initial Proposed Standard sets out some specific requirements for all organizations in Ontario with at least one employee. They include the obligation to:

- Inform persons with disabilities that there is accessible information and communication available;
- Charge no more for alternate accessible formats than the regular cost paid by other consumers;
- Ensure that individuals with disabilities are not disadvantaged in terms of the timeliness, quality and availability of communication, given or received;
- Establish a user request, feedback and complaints process that allows persons with disabilities (whether they are consumers or employees) to identify their communication needs and to communicate with the organization;
- Provide emergency and public safety information required under existing law (e.g., evacuation procedures) to the public and employees in formats and communication methods that can be used and understood by persons with disabilities;

- Develop, implement and maintain policies, procedures and practices to comply with the standard for accessible information and communications and write a statement of commitment to accessibility;
- Ensure that employees, volunteers and others who are responsible for designing or providing and receiving information and communication on behalf of the organization receive accessibility training.

The timelines for compliance for these requirements are the end of 2011 (Class 3), 2012 (Class 2) or 2013 (Class 1). An exception is the requirement for emergency and public safety information. Within three months of the standard coming into effect, organizations, regardless of class, must comply.

Class 2 and 3 organizations have additional requirements to report how they are meeting these requirements and make that information available to people with disabilities.

## **6. Capacity Development**

Organizations are already required by Ontario law to respond to a request for individual accommodation. Organizations in Class 3, Class 2 and Class 1 - Critical Services are required to be prepared to respond according to the specifications detailed in the standard.

These organizations must have the capacity to provide information and to communicate when asked by a person with a disability, in a format that takes into account the person's disability, that is appropriate for the type of communication, and is in accordance with the standard's technical requirements.

They must respond in ways that provide the same level of response that others receive in terms of timeliness, quality and availability of the communication.

The Committee's Initial Proposed Standard details what is required in providing formats and methods of communication that can be used by people with a variety of disabilities under different circumstances. The requirements are organized under four categories:

- prepared communication to someone (e.g., a brochure);
- predictable communication from someone (e.g., an order form for goods that is filled out);
- unprepared communication to someone (e.g., a doctor explains a medical test to a patient); and
- unpredictable communication from someone (e.g., a request for assistance).

For example, when prepared information is in print, organizations must provide an accessible electronic format (e-text), a Braille-ready electronic or printed copy, audio format, large print version and electronic version with supports for comprehension.

Organizations in Classes 2 and 3 and Class 1 - Critical Services must also develop a policy and establish a practice and procedure for making plain language communication available and for providing communication assistance upon request.

- Plain language is a way of making complex information easier to understand.
- Communication assistance involves a person who uses specific, individualized strategies to ensure that an individual with a communication disability is properly understood. That person could be a family member or someone trained to work as a communication assistant.

For pre-arranged appointments that have significant personal impact for an individual, organizations must negotiate arrangements for obtaining communication supports and provide access to sign language interpretation, note-taking, real-time captioning services and a personal communication assistant if requested. Organizations must accept communication through sign language interpretation, note-taking and other methods of assistance from people who have a communication disability.

The timelines for compliance for these requirements are the end of 2011 (Class 3), 2012 (Class 2) or 2013 (Class 1 - Critical Services).

The Committee is seeking input on how this will work and the ability of organizations to meet these requirements.

## **7. Information Technology (IT) Based Systems**

Organizations in Class 3 and 2, and Class 1 - Critical Services must comply with these requirements for IT-based information and communication systems, which deliver or receive information or communication through a computer (e.g., web sites, software applications):

- New IT systems must provide an accessible user interface and content file format by default (which means you don't have to ask for it – it's available) when these systems are made available for use by employees or the public.
- New content must be in an accessible digital file format on existing systems.
- User interfaces of existing IT-based information and communication systems must be made accessible.

The timelines for compliance for these requirements are the end of 2011 (Class 3), 2012 (Class 2) or 2013 (Class 1 - Critical Services).

## **8. Business Enterprise Systems**

Business enterprise systems are large and complex IT applications that support fundamental business processes which are critical to the ongoing operation and growth of an organization (e.g., payroll, accounting or human resources). For these systems, because of their size, complexity and cost, there are separate timelines for all classes of organization to comply.

- Once the standard is in effect, any newly acquired business enterprise systems must provide accessible formats and methods of communication when they are made available for use by employees or the public.
- If, at the time of the standard taking effect, an organization has already invested in a system or signed a contract for a new system (but hasn't started using it with employees or the public), it will have three years to comply with accessibility requirements.
- For existing systems, organizations have to meet the requirements for accessibility at the time of system update and no later than within six years of the standard coming into effect. User interfaces and data formats must be compliant by 2012.

## **9. Educational Organizations and Regulatory Bodies**

Organizations whose primary focus is education or training (e.g., schools, colleges, universities, training organizations) have to ensure that their educational materials are accessible for students with disabilities.

This involves the publishers of educational materials because the requirement is for the educational organizations to buy accessible materials that are delivered at the same time and at no extra charge as other materials.

Educational libraries are required to obtain all new educational, training and reference materials in accessible formats. There are exemptions for special collections, rare materials and donations. They also have to make existing materials in their collections available in accessible formats on request.

Professional, regulatory and licensing bodies are required, through their regulatory entrance requirements and professional development activities to ensure their members receive training in meeting the needs of people with disabilities for accessible information and communication.

Training in accessibility must also be provided by organizations that provide training or education in design, production or delivery of information and communication products (e.g., software applications, computer hardware).

## **10. Elections**

There has been progress in making elections accessible for people with disabilities, but more can be done. The Committee's Initial Proposed Standard requires secure voting methods to be implemented to allow persons with disabilities to vote privately and independently.

Municipal candidates and provincial parties are required to provide election and candidate materials in accessible formats. Provincial parties in provincial elections are required to hold at least one meeting that would provide people with disabilities with the ability to participate in the discussion, pose questions and receive answers.

## **11. Conclusion**

The Committee's Initial Proposed Standard is concerned with how to remove barriers to information and communications for people with disabilities.

The purpose of this process is to develop the best ways to move Ontario towards the goal of accessible information and communication by 2025.

Public review is an essential step in the process. All suggestions and comments will be considered by the Committee before it finalizes its recommendation to the Ontario government on a proposed standard.