



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Kevin Fox	Report Date: September 1, 2020
Author's Phone: 519 736-0012 ext. 2272	Date to Council: September 14, 2020
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Accessibility for Ontarians with Disabilities Act Website Compliance

1. RECOMMENDATION:

It is recommended that:

1. **WHEREAS** Section 14(4) of O.Reg 191/11 under the Accessibility for Ontarians with Disabilities Act requires designated public sector organizations to conform to WCAG 2.0 Level AA by January 1, 2021;
2. **AND WHEREAS** the municipality remains committed to the provision of accessible goods and services;
3. **AND WHEREAS** the municipality provides accommodations to meet any stated accessibility need, where possible;
4. **AND WHEREAS** the declared pandemic, COVID-19, has impacted the finances and other resources of the municipality;
5. **AND WHEREAS** the Accessibility for Ontarians with Disabilities Act contemplates the need to consider the technical or economic considerations in the implementation of Accessibility Standards;
6. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario extend the compliance deadline stated in Section 14(4) of O.Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022; **AND,**
7. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario consider providing funding support and training resources to meet these compliance standards.

2. BACKGROUND:

The Accessibility for Ontarians with Disabilities Act (AODA) was introduced in 2005 with the goal of creating a fully accessible province by 2025. The AODA identifies five

categories of accessibility standards: customer service, employment, information and communication, transportation, and the design of public spaces. To achieve the provincial goal, regulations have been introduced to support these standards. The Information and Communication Standard includes compliance standards for web content under the Integrated Accessibility Standards (O.Reg. 191/11). It states:

14(4) Designated public sector organizations and large organizations for their internet websites shall meet the requirements of this section in accordance with the following schedule:

1. By January 1, 2014, new internet websites and web content on those sites must conform with WCAG 2.0 Level A.
2. By January 1, 2021, all internet websites and web content must conform with WCAG 2.0 Level AA, other than
 - i. Success criteria 1.2.4. Captions (Live), and,
 - ii. Success criteria 1.2.5. Audio Descriptions (Pre-recorded).

The Web Content Accessibility Guidelines (WCAG) are developed by the World Wide Web Consortium in cooperation with individuals and organizations around the world with the goal of providing a single shared standard for web content accessibility. This involves the creation of standards built with specific success criteria which indicate the level to which web content must comply to be rated as compliant.

To ensure compliance, the province requires designated public organizations, such as the Town of Amherstburg, to annually self report on their compliance with the AODA and its regulations.

Following the provincial declaration of a State of Emergency on March 17, 2020, the Town notified the Provincial Emergency Operations Centre that the Town of Amherstburg had enabled its Emergency Operations Centre to enter a posture of enhanced monitoring of declared pandemic, COVID-19. The Town of Amherstburg, as with other municipalities, has been consumed by its response to COVID-19 and as a result other priorities have been set aside in an effort to protect the community.

3. DISCUSSION:

To address website accessibility, the Town of Amherstburg has taken many steps since 2012, including a redesigned website (2016) with a number of accessible features incorporated throughout. The redesigned website incorporates the iCreate platform with a built-in accessibility checker and BrowseAloud, an assistive technology screen reader. Additionally, the Town has performed optical character recognition (OCR) on all of its archival holdings, allowing greater integration with other assistive technologies. Further, staff perform routine audits of webpages for compliance with the current standard. The website itself meets the January 1, 2021 compliance requirements under the legislation; however, the content posted on the Town's website may not meet those compliance requirements.

To address the January 1, 2021 compliance deadline, the Town has performed a review of its digital holdings, identified those areas for improvement, and at the time of writing is in the process of assembling an accessibility team of content creators and instituting a training program for newly created content.

The work plan to address website accessibility did not anticipate the interruptions and redeployments caused by the declared pandemic, COVID-19. The demands of addressing the emergency declaration have devoted key resources away from other projects to ensure the safety of the community and staff, continued operations and new procedural changes to how the municipality ensures the provision of its services during a pandemic. Additionally, a number of staff were on unpaid leave during the pandemic, further impacting available resources. The Town of Amherstburg is not alone in finding it difficult to meet this timeline. Other municipalities have stated that they understand they may not be able to meet this target, especially given that there have been no funding announcements from the provincial government.

Due to the impact of the pandemic emergency on municipal operations, the Town may fail to meet its responsibilities for full website compliance as of January 1, 2021, in relation to content. Administration recommends the adoption of a Council Resolution calling on the Ontario government to provide a minimum one year extension for compliance with the relevant regulations.

4. RISK ANALYSIS:

The Act obligates organizations, such as the Town of Amherstburg to annually self-report on their compliance with the AODA and its regulations. If non-compliant, the Ministry for Seniors and Accessibility can require an organization to remedy its non-compliance through an order to comply.

At this time, there is a risk that the municipality could fail to meet the January 1, 2021 legislated requirements and be ordered into compliance, face administrative penalties, or both.

While the resolution above requests a minimum 1 year extension from the Ministry, the Town realizes the importance of accessibility and inclusivity and Administration will continue in its efforts to comply.

5. FINANCIAL MATTERS:

While support of the resolution to request an extension to the Ministry's January 1, 2021 timeline indicates that Council is aware of its obligation and suggests that it cannot comply by January 1, 2021 due to COVID-19, the Ministry may still enforce its timelines. If this is the case there may be financial implications in the form of administrative penalties or increased expenses in trying to meet the required standards after an order to comply.

6. CONSULTATIONS:

Paula Parker, Clerk

The Director of Corporate Services and Manager of IT were consulted on website compliance.

Other municipalities within Ontario are considering similar resolutions with respect to extending the January 1, 2021 compliance deadline.

7. CONCLUSION:

AODA contemplates the need to consider the technical or economic considerations in the implementation of Accessibility Standards. Administration recommends that Council request that the Province of Ontario extend the compliance deadline from January 1, 2021 to at least January 1, 2022 due to the impacts of the pandemic (COVID-19) emergency and the impacts it has had both on the finances and resources of municipalities such as the Town of Amherstburg.



Kevin Fox

Policy and Committee Coordinator

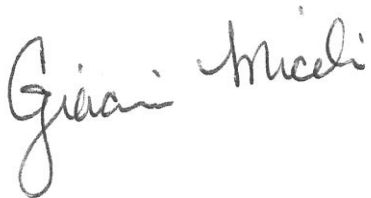
Report Approval Details

Document Title:	Accessibility for Ontarians with Disabilities Act Website Compliance.docx
Attachments:	
Final Approval Date:	Sep 8, 2020

This report and all of its attachments were approved and signed as outlined below:



Cheryl Horrobin



John Miceli



Paula Parker