

From: Linda Saxon, theburgwatch@gmail.com

An OPEN LETTER to Amherstburg Town Council

Date: January 4, 2022

RE: A stronger commitment to accessibility

I am writing to urge you to make a stronger commitment to accessibility for the almost 5,000 residents with disabilities in Amherstburg. <sup>1</sup>

As a person with disabilities, I have first-hand knowledge of barriers and discrimination. As a volunteer of the Essex County Accessibility Advisory Committee for 12 years, including the last 4 years as Chair, I advocated for increased accessibility. I also provided input on the town's annual accessibility plans since the passage of the *Ontarians with Disabilities Act, 2001* and the town's DRAFT accessible customer service policy that contained outdated information.

I wish to convey my concerns about council's December 13, 2021 adoption of its multi-year accessibility plan, council's approval of the traditional voting method for 2022 and generally, highlight some of the barriers.

## **Town Council Adopted A Draft Plan**

### **Chronology 2021**

November 25	Amherstburg Accessibility Advisory Committee discussed DRAFT plan with blank sections and survey questions
November 26	Survey posted on talktheburg.ca
December 1	Survey posted in River Town Times
December 2	Report to council states, "the attached draft is a five year plan" and "general feedback on the draft plan." Report to Council on Accessibility Survey omitted.
December 7	Deadline to submit survey responses
December 13	council approved agenda item, " <a href="#">2021 Multi-Year Accessibility Plan_Draft.pdf</a> ."
December 16	Amherstburg Accessibility Advisory Committee meeting; survey not on agenda

## **Mandatory Consultation With Persons With Disabilities Deficient**

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<sup>1</sup> Source: Statistics Canada, Canadian Survey on Disability Reports 2017.

Ontario Regulation 191/11 section 4(2) states the municipality **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. (emphasis added).

The Report to council merely acknowledges the plan, “as supported by the Amherstburg Accessibility Advisory Committee.”

Although the Report states, “The public engagement sought general feedback on the draft plan,” I question if a survey that consisted of predominantly subjective questions about how people ‘feel’ complies with provincial legislation:

- 1) Are you an Amherstburg resident?
- 2) What is your age?
- 3) Do you identify as a person with a disability?
- 4) Do you feel that Town facilities and amenities meet your accessibility needs?
- 5) Do you feel that Town parkland and recreational amenities meet your accessibility needs?
- 6) Do you feel that Town sidewalks and paths of travel meet your accessibility needs?
- 7) Do you feel that the Town’s multi-use trail network facilities meets your accessibility needs?
- 8) Do you feel that the Town’s communications meet your accessibility needs?

## **Barriers To The Survey**

- the November 26 to December 7 time frame may not have accommodated persons with disabilities requiring more time.

**It should be noted that** three months before the provincial website accessibility compliance deadline, the town’s Resolution, distributed province-wide, requested the province extend the deadline by at least one year to January 1, 2022 because the town could not comply with the deadline it had been aware of since 2011 due to COVID-19.

- alternate formats were not advertised as being available.
- The requirement to attend town hall to obtain a hard copy of the survey may have been a barrier due to lack of transportation
- COVID-19 restrictions; Council and committees have avoided in-person meetings at town hall
- requiring a computer and/or internet access to complete the survey online
- requiring a computer and/or internet access for social media information
- registration is required for talktheburg.ca and no Municipal Freedom of Information and Protection of Privacy Act Notice is posted

## **Review And Update Compulsory In 5 Years**

O. Reg. 191/11: INTEGRATED ACCESSIBILITY STANDARDS, section 4(1)(c) states the municipality shall review and update the accessibility plan at least once every five years.

The Report to council states, “The Town adopted a multi-year accessibility plan in 2013 and reviewed and updated that plan in 2017, as required.” However, since there is no date listed for a 2017 plan or its approval, what is the basis for stating, “There is a risk that not adopting a multi-year accessibility plan prior to January 1, 2022 could leave the Town non-compliant with the AODA?” A readily available template allows for the date to be inserted for both the previous review and the five-year deadline.

## **Omissions In Report To Council**

The claim that “the accessible entrance to the Carnegie Public Library is a prime example of promoting the need for inclusivity, equity and respect in all activities of the Town” and Councillor Renaud’s December 13 highlight of it, misrepresents the fact that my ten-year campaign and human rights complaint culminated in an accessible library and accessible parking.

Evidence in support of my claim are documents like the Minutes of Settlement, the Ontario Human Rights Commission’s Investigation Report, correspondence from legal counsel for the town, the Ontario Human Rights Commission Annual Report 2004 and Council-approved Accounts Payable.

## **Omissions In The Plan**

The plan incorrectly states the four core principles as set out in the Accessibility for Ontarians with Disabilities Act, 2005; the one omitted is the extremely important principle of Independence.

The plan should use plain language. The Person First Language description is superfluous; in 2008, I advised the council of the day of a readily available template of preferred terms when the Official Plan contained outdated terminology.

The plan should be available in alternate formats; it should contain a notice of availability of same.

The plan should include contact information.

Although it states a Multi-Year Accessibility Plan outlines the Town of Amherstburg’s strategy to prevent and remove barriers, there are no specifics. A general statement notes “the Town has also launched or partnered in the creation of a number of specific improvements, upgrades, initiatives and projects that are intended primarily to address accessibility.”

## **Barriers Should Be Identified**

The plan should identify barriers and establish timelines for their removal, not just list obligations.

**Procurement Policy** posted on the town’s website, approved in 2015, replaced the 2005 policy. The pages are not numbered, but the AODA section is relegated to section 31 and is limited to training.

Despite this minimal stipulation, Windsor Police held its 'Coffee With A Cop' on June 27, 2019 at the Caffeine & Co., housed in an inaccessible building in Amherstburg.

The town's Procurement Policy should be updated to reflect the provincial legislation requirement that the town "**shall incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities**" and the town shall, upon request, provide an explanation if it determines that it is not practicable to incorporate accessibility design, criteria and features when procuring or acquiring goods, services or facilities. (emphasis added).

**Voting Method Decision Disappointing:** the decision to approve traditional voting for the 2022 Municipal Election is contrary to the four core principles of the AODA: independence, dignity, integration, and equality of opportunity.

The *Municipal Elections Act, 1996* requires both the voting process and the voting place must be accessible and the clerk must prepare reports on these topics.

#### **Electors and candidates with disabilities**

**12.1** (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities. 2009, c. 33, Sched. 21, s. 8 (8).

#### **Plan re barriers**

(2) The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election. 2016, c. 15, s. 11."

Where is the Town of Amherstburg plan?

### **Municipal Elections Act Requirements**

#### **Variations for electors with visual impairments**

41. (3) The clerk shall make such changes to some or all of the ballots as he or she considers necessary or desirable to allow electors with visual impairments to vote without the assistance referred to in paragraph 4 of subsection 52 (1). 1996, c. 32, Sched., s. 41 (3); 2001, c. 32, s. 30 (1).

#### **Accessibility**

45. (2) In establishing the locations of voting places, the clerk shall ensure that each voting place is accessible to electors with disabilities. 2009, c. 33, Sched. 21, s. 8 (23).

The December 6 Report to Council states, "The Act indicates that the by-law authorizing alternate voting methods, and also the by-law authorizing the use of vote counting equipment, be enacted prior to May 1 in the year before the election."

However, the *Municipal Elections Act* states the by-law applies to a regular election if the by-law is passed on or before May 1 in the year of the election.

How many times has COVID-19 been cited as a reason for impacting town business and yet it wasn't even considered for the in-person voting decision?

**Open Air** – \$90,000 taxpayer dollars on an event that creates barriers that prevent persons with disabilities from equally participating in community life; access to banks, hair salons and the post office was restricted and concerns were disregarded. Additionally, the mandatory public consultation regarding on and off-street parking did not occur.

**Some of the town's websites** still have accessibility issues, despite the town's request for a one-year extension of the deadline from the province; pdfs also pose problems.

**Third Party Vendors:** Where is the report from former Clerk Paula Parker, who advised it was expected to be available in 2021 with Administration suggestions for efficiencies in service delivery and a streamlined approach to web content delivery?

**Alternate Format Documents:** there needs to be an easier process to obtain alternate format documents; staff suggesting people go search the records repository is unacceptable.

**Decorum at Meetings:** members talk over each other; individuals who are off-screen participate in debates and remain unidentified and/or are called by first name only.

## Omissions On Town Website

Accessibility Advisory Committee Composition states: The Accessibility for Ontarians with Disabilities Act requires that no less than 50% of the Committee's members be persons with disabilities.

The fact is the *Accessibility for Ontarians with Disabilities Act, 2005* states, "A majority of the members of the committee shall be persons with disabilities."

## Stronger Commitment To Accessibility Needed

Will you commit to

- ensuring that the Town of Amherstburg will become accessible by 2025?
- Reconsidering the voting method decision to ensure both the voting process and the voting place are accessible and safe?
- Meeting compliance deadlines?
- Conducting meaningful public consultation with persons with disabilities regarding the accessibility plans? on and off-street parking? On demand taxis? Recreational trails?