

**ONTARIO REGULATION 191/11**

made under the

**ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005**

Made: April 13, 2011

Filed: June 3, 2011

Published on e-Laws: June 7, 2011

Printed in *The Ontario Gazette*: June 18, 2011**INTEGRATED ACCESSIBILITY STANDARDS****CONTENTS****PART I****GENERAL**

- [1.](#) Purpose and application
- [2.](#) Definitions
- [3.](#) Establishment of accessibility policies
- [4.](#) Accessibility plans
- [5.](#) Procuring or acquiring goods, services or facilities
- [6.](#) Self-service kiosks
- [7.](#) Training
- [8.](#) Exemption from filing accessibility reports

**PART II****INFORMATION AND COMMUNICATIONS STANDARDS**

- [9.](#) Definitions and exceptions
- [10.](#) Application
- [11.](#) Feedback
- [12.](#) Accessible formats and communication supports
- [13.](#) Emergency procedure, plans or public safety information
- [14.](#) Accessible websites and web content
- [15.](#) Educational and training resources and materials, etc.
- [16.](#) Training to educators
- [17.](#) Producers of educational or training material
- [18.](#) Libraries of educational and training institutions
- [19.](#) Public libraries

**PART III****EMPLOYMENT STANDARDS**

- [20.](#) Scope and interpretation
- [21.](#) Schedule

- [22.](#) Recruitment, general
- [23.](#) Recruitment, assessment or selection process
- [24.](#) Notice to successful applicants
- [25.](#) Informing employees of supports
- [26.](#) Accessible formats and communication supports for employees
- [27.](#) Workplace emergency response information
- [28.](#) Documented individual accommodation plans
- [29.](#) Return to work process
- [30.](#) Performance management
- [31.](#) Career development and advancement
- [32.](#) Redeployment

## PART IV

### **TRANSPORTATION STANDARDS**

#### DEFINITIONS

- [33.](#) Definitions
  - [34.](#) Availability of information on accessibility equipment, etc.
  - [35.](#) Non-functioning accessibility equipment
  - [36.](#) Accessibility training
  - [37.](#) Emergency preparedness and response policies
  - [38.](#) Fares, support persons
  - [39.](#) Transition, existing contracts
  - [40.](#) Transition, existing vehicles
- [33.](#) CONVENTIONAL AND SPECIALIZED TRANSPORTATION SERVICE PROVIDERS, GENERAL
- [41.](#) Accessibility plans, conventional transportation services
- [42.](#) Accessibility plans, specialized transportation services
- [43.](#) Accessibility plans, conventional and specialized transportation services
  - [44.](#) CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, GENERAL
  - [45.](#) General responsibilities
  - [46.](#) Alternative accessible method of transportation
  - [47.](#) Fares
  - [48.](#) Transit stops
  - [49.](#) Storage of mobility aids, etc.
  - [50.](#) Courtesy seating
  - [51.](#) Service disruptions
  - [52.](#) Pre-boarding announcements
  - [53.](#) On-board announcements
- [43.](#) CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, TECHNICAL REQUIREMENTS
- [53.](#) Requirements re grab bars, etc.
- [54.](#) Floors and carpeted surfaces
- [55.](#) Allocated mobility aid spaces
- [56.](#) Stop-requests and emergency response controls
- [57.](#) Lighting features
- [58.](#) Signage
- [59.](#) Lifting devices, etc.
- [60.](#) Steps
- [61.](#) Indicators and alarms
- [62.](#) Accessibility, rail cars
  - [63.](#) SPECIALIZED TRANSPORTATION SERVICE PROVIDERS
  - [64.](#) Categories of eligibility
  - [65.](#) Eligibility application process
  - [66.](#) Emergency or compassionate grounds
  - [67.](#) Fare parity
  - [68.](#) Visitors
  - [69.](#) Origin to destination services
  - [70.](#) Co-ordinated service
  - [71.](#) Hours of service
  - [72.](#) Booking
  - [73.](#) Trip restrictions

<a href="#">73.</a>	Service delays
<a href="#">74.</a>	Companions and children
	<a href="#">OTHER TRANSPORTATION SERVICES</a>
<a href="#">75.</a>	School transportation
<a href="#">76.</a>	Public sector organizations
<a href="#">77.</a>	Ferries
	<a href="#">DUTIES OF MUNICIPALITIES AND TAXICABS</a>
<a href="#">78.</a>	Duties of municipalities, general
<a href="#">79.</a>	Duties of municipalities, accessible taxicabs
<a href="#">80.</a>	Duties of municipalities, taxicabs

**[PART V](#)**  
**COMPLIANCE**

<a href="#">81.</a>	Application
<a href="#">82.</a>	Definition
<a href="#">83.</a>	Amount of administrative penalty
<a href="#">84.</a>	Review of order
<a href="#">85.</a>	Payment of penalty
<a href="#">86.</a>	Designation of tribunal
<a href="#">87.</a>	Commencement
<a href="#">Schedule 1</a>	Broader public sector
<a href="#">Schedule 2</a>	Administrative penalties for individuals or unincorporated organizations
<a href="#">Schedule 3</a>	Administrative penalties for corporations

**PART I**  
**GENERAL**

**Purpose and application**

1. (1) This Regulation establishes the accessibility standards for each of information and communications, employment and transportation.

(2) The requirements in the standards set out in this Regulation are not a replacement or a substitution for the requirements established under the *Human Rights Code* nor do the standards limit any obligations owed to persons with disabilities under any other legislation.

(3) Except as otherwise provided in this Regulation, this Regulation applies to the Government of Ontario, the Legislative Assembly, every designated public sector organization and to every other person or organization that provides goods, services or facilities to the public or other third parties and that has at least one employee in Ontario.

**Definitions**

2. In this Regulation,

“accessible formats” may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities; (“format accessible”)

“communication supports” may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications; (“aides à la communication”)

- “ designated public sector organization” means every municipality and every person or organization listed in Column 1 of Table 1 of Ontario Regulation 146/10 (Public Bodies and Commission Public Bodies —Definitions) made under the *Public Service of Ontario Act, 2006* or described in Schedule 1 to this Regulation; (“ organisation désignée du secteur public” )
- “ Government of Ontario” includes the executive of the government and operational branches, including every ministry of the Government of Ontario and the Office of the Premier; (“ gouvernement de l’ Ontario” )
- “ large designated public sector organization” means a designated public sector organization with 50 or more employees; (“ grande organisation désignée du secteur public” )
- “ large organization” means an obligated organization with 50 or more employees in Ontario, other than the Government of Ontario, the Legislative Assembly or a designated public sector organization; (“ grande organisation” )
- “ Legislative Assembly” includes the Office of the Assembly, the offices of members of the Assembly, including their constituency offices and the offices of persons appointed on the address of the Assembly; (“ Assemblée législative” )
- “ obligated organization” means the Government of Ontario, the Legislative Assembly, a designated public sector organization, a large organization and a small organization to which the standards in this Regulation apply; (“ organisation assujettie” )
- “ small designated public sector organization” means a designated public sector organization with at least one but fewer than 50 employees; (“ petite organisation désignée du secteur public” )
- “ small organization” means an obligated organization with at least one but fewer than 50 employees in Ontario, other than the Government of Ontario, the Legislative Assembly or a designated public sector organization. (“ petite organisation” )

### **Establishment of accessibility policies**

3. (1) Every obligated organization shall develop, implement and maintain policies governing how the organization achieves or will achieve accessibility through meeting its requirements referred to in this Regulation.

(2) Obligated organizations, other than small organizations, shall include a statement of organizational commitment to meet the accessibility needs of persons with disabilities in a timely manner in their policies.

(3) The Government of Ontario, the Legislative Assembly, every designated public sector organization and large organizations shall,

(a) prepare one or more written documents describing its policies; and

(b) make the documents publicly available, and shall provide them in an accessible format upon request.

(4) Obligated organizations shall meet the requirements of this section according to the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2012.
2. For large designated public sector organizations, January 1, 2013.
3. For small designated public sector organizations, January 1, 2014.
4. For large organizations, January 1, 2014.
5. For small organizations, January 1, 2015.

### **Accessibility plans**

**4.** (1) The Government of Ontario, Legislative Assembly, designated public sector organizations and large organizations shall,

- (a) establish, implement, maintain and document a multi-year accessibility plan, which outlines the organization's strategy to prevent and remove barriers and meet its requirements under this Regulation;
- (b) post the accessibility plan on their website, if any, and provide the plan in an accessible format upon request; and
- (c) review and update the accessibility plan at least once every five years.

(2) The Government of Ontario, Legislative Assembly and designated public sector organizations 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.

(3) The Government of Ontario, Legislative Assembly and designated public sector organizations shall,

- (a) prepare an annual status report on the progress of measures taken to implement the strategy referenced in clause (1) (a); and
- (b) post the status report on their website, if any, and provide the report in an accessible format upon request.

(4) The Government of Ontario, Legislative Assembly, designated public sector organizations and large organizations shall meet the requirements of this section according to the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2012.
2. For large designated public sector organizations, January 1, 2013.
3. For small designated public sector organizations, January 1, 2014.
4. For large organizations, January 1, 2014.

### **Procuring or acquiring goods, services or facilities**

5. (1) The Government of Ontario, Legislative Assembly and designated public sector organizations shall incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except where it is not practicable to do so.

(2) If the Government of Ontario, Legislative Assembly or a designated public sector organization determines that it is not practicable to incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, it shall provide, upon request, an explanation.

(3) The Government of Ontario, Legislative Assembly and designated public sector organizations shall meet the requirements of this section in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2012.
2. For large designated public sector organizations, January 1, 2013.
3. For small designated public sector organizations, January 1, 2014.

### **Self-service kiosks**

6. (1) Without limiting the generality of section 5, the Government of Ontario, Legislative Assembly and designated public sector organizations shall incorporate accessibility features when designing, procuring or acquiring self-service kiosks.

(2) Large organizations and small organizations shall have regard to the accessibility for persons with disabilities when designing, procuring or acquiring self-service kiosks.

(3) The Government of Ontario, Legislative Assembly and designated public sector organizations shall meet the requirements of this section in accordance with the schedule set out in subsection 5 (3).

(4) Large organizations shall meet the requirements under subsection (2) as of January 1, 2014 and small organizations shall meet the requirements as of January 1, 2015.

(5) In this section,

“ kiosk” means an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both.

### **Training**

7. (1) Every obligated organization shall ensure that training is provided on the requirements of the accessibility standards referred to in this Regulation and on the *Human Rights Code* as it pertains to persons with disabilities to,

- (a) all employees, and volunteers;
- (b) all persons who participate in developing the organization’ s policies; and

(c) all other persons who provide goods, services or facilities on behalf of the organization.

(2) The training on the requirements of the accessibility standards and on the *Human Rights Code* referred to in subsection (1) shall be appropriate to the duties of the employees, volunteers and other persons.

(3) Every person referred to in subsection (1) shall be trained as soon as practicable.

(4) Every obligated organization shall provide training in respect of any changes to the policies described in section 3 on an ongoing basis.

(5) The Government of Ontario, the Legislative Assembly, every designated public sector organization and every large organization shall keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

(6) Obligated organizations shall meet the requirements of this section in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2013.
2. For large designated public sector organizations, January 1, 2014.
3. For small designated public sector organizations, January 1, 2015.
4. For large organizations, January 1, 2015.
5. For small organizations, January 1, 2016.

#### **Exemption from filing accessibility reports**

**8.** (1) Small organizations are exempted from the requirement to file accessibility reports under section 14 of the Act with respect to the accessibility standards in this Regulation.

(2) The following are the reasons for the exemption:

1. It is consistent with a phased approach to implementing the Act.
2. It allows the exempted obligated organizations to focus their efforts and resources on complying with the accessibility standards.

## **PART II INFORMATION AND COMMUNICATIONS STANDARDS**

#### **Definitions and exceptions**

**9.** (1) In this Part,

“communications” means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received;  
(“communications” )

“ conversion ready” means an electronic or digital format that facilitates conversion into an accessible format; (“ prêt à être converti” )

“ information” includes data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning. (“ information” )

(2) The information and communications standards do not apply to the following:

1. Products and product labels, except as specifically provided by this Part.
2. Unconvertible information or communications.
3. Information that the obligated organization does not control directly or indirectly through a contractual relationship, except as required under sections 15 and 18.

(3) If an obligated organization determines that information or communications are unconvertible, the organization shall provide the person requesting the information or communication with,

- (a) an explanation as to why the information or communications are unconvertible; and
- (b) a summary of the unconvertible information or communications.

(4) For the purposes of this Part, information or communications are unconvertible if,

- (a) it is not technically feasible to convert the information or communications; or
- (b) the technology to convert the information or communications is not readily available.

### **Application**

**10.** Sections 9, 11, 12 and 13 apply to all obligated organizations.

### **Feedback**

**11.** (1) Every obligated organization that has processes for receiving and responding to feedback shall ensure that the processes are accessible to persons with disabilities by providing or arranging for the provision of accessible formats and communications supports, upon request.

(2) Nothing in this section detracts from the obligations imposed under section 7 of Ontario Regulation 429/07 (Accessibility Standards for Customer Service) made under the Act.

(3) Every obligated organization shall notify the public about the availability of accessible formats and communication supports.

(4) Obligated organizations shall meet the requirements of this section in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2013.

2. For large designated public sector organizations, January 1, 2014.
3. For small designated public sector organizations, January 1, 2015.
4. For large organizations, January 1, 2015.
5. For small organizations, January 1, 2016.

### **Accessible formats and communication supports**

**12.** (1) Except as otherwise provided, every obligated organization shall upon request provide or arrange for the provision of accessible formats and communication supports for persons with disabilities,

- (a) in a timely manner that takes into account the person's accessibility needs due to disability; and
- (b) at a cost that is no more than the regular cost charged to other persons.

(2) The obligated organization shall consult with the person making the request in determining the suitability of an accessible format or communication support.

(3) Every obligated organization shall notify the public about the availability of accessible formats and communication supports.

(4) Every obligated organization that is required to provide accessible formats or accessible formats and communication supports by section 3, 4, 11, 13, 19, 26, 28, 34, 37, 44 or 64 shall meet the requirements of subsections (1) and (2) but shall do so in accordance with the schedule set out in the referenced section and shall do so only to the extent that the requirements in subsections (1) and (2) are applicable to the requirements set out in the referenced section.

(5) Obligated organizations shall meet the requirements under this section in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2014.
2. For large designated public sector organizations, January 1, 2015.
3. For small designated public sector organizations, January 1, 2016.
4. For large organizations, January 1, 2016.
5. For small organizations, January 1, 2017.

### **Emergency procedure, plans or public safety information**

**13.** (1) In addition to its obligations under section 12, if an obligated organization prepares emergency procedures, plans or public safety information and makes the information available to the public, the obligated organization shall provide the information in an accessible format or with appropriate communication supports, as soon as practicable, upon request.

(2) Obligated organizations that prepare emergency procedures, plans or public safety information and make the information available to the public shall meet the requirements of this section by January 1, 2012.

#### **Accessible websites and web content**

**14.** (1) The Government of Ontario and the Legislative Assembly shall make their internet and intranet websites and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, at Level AA, and shall do so in accordance with the schedule set out in this section.

(2) Designated public sector organizations and large organizations shall make their internet websites and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG) 2.0, initially at Level A and increasing to Level AA, and shall do so in accordance with the schedule set out in this section.

(3) The Government of Ontario and the Legislative Assembly, for both their internet and intranet sites, shall meet the requirements in this section in accordance with the following schedule:

1. By January 1, 2012, new internet and intranet websites and web content on those sites 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).
2. By January 1, 2016, 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).
3. By January 1, 2020, all internet and intranet websites and web content must conform with WCAG 2.0 Level AA.

(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).
- (5) Except where meeting the requirement is not practicable, this section applies,

(a) to websites and web content, including web-based applications, that an organization controls directly or through a contractual relationship that allows for modification of the product; and

(b) to web content published on a website after January 1, 2012.

(6) In determining whether meeting the requirements of this section is not practicable, organizations referenced in subsections (1) and (2) may consider, among other things,

(a) the availability of commercial software or tools or both; and

(b) significant impact on an implementation timeline that is planned or initiated before January 1, 2012.

(7) In this section,

“extranet website” means a controlled extension of the intranet, or internal network of an organization to outside users over the Internet; (“ site Web extranet” )

“internet website” means a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public; (“ site Web Internet” )

“intranet website” means an organization’ s internal website that is used to privately and securely share any part of the organization’ s information or operational systems within the organization and includes extranet websites; (“ site Web intranet” )

“new internet website” means either a website with a new domain name or a website with an existing domain name undergoing a significant refresh; (“ nouveau site Web Internet” )

“new intranet website” means either an intranet website with a new domain name or an intranet website with an existing domain name undergoing a significant refresh; (“ nouveau site Web intranet” )

“Web Content Accessibility Guidelines” means the World Wide Web Consortium Recommendation, dated December 2008, entitled “ Web Content Accessibility Guidelines (WCAG) 2.0” ; (“ Règles pour l’ accessibilité des contenus Web’ ’ )

“web page” means a non-embedded resource obtained from a single Uniform Resource Identifier (URI) using Hypertext Transfer Protocol (HTTP) and any other resources that are used in the rendering or intended to be rendered together with it by a user agent. (“ page Web” )

### **Educational and training resources and materials, etc.**

**15.** (1) Every obligated organization that is an educational or training institution shall do the following, if notification of need is given:

1. Provide educational or training resources or materials in an accessible format that takes into account the accessibility needs due to a disability of the person with a disability to whom the material is to be provided by,
  - i. procuring through purchase or obtaining by other means an accessible or conversion ready electronic format of educational or training resources or materials, where available, or
  - ii. arranging for the provision of a comparable resource in an accessible or conversion ready electronic format, if educational or training resources or materials cannot be procured, obtained by other means or converted into an accessible format.
2. Provide student records and information on program requirements, availability and descriptions in an accessible format to persons with disabilities.

(2) For the purposes of this section and sections 16, 17 and 18, an obligated organization is an educational or training institution if it falls into one of the following categories:

1. It is governed by the *Education Act* or the *Private Career Colleges Act, 2005*.
2. It offers all or part of a post-secondary program leading to a degree pursuant to a consent granted under the *Post-secondary Education Choice and Excellence Act, 2000*.
3. It is a designated public sector organization described in paragraph 3 or 4 of Schedule 1.
4. It is a public or private organization that provides courses or programs or both that result in the acquisition by students of a diploma or certificate named by the Minister of Education under paragraph 1 of subsection 8 (1) of the *Education Act*.
5. It is a private school within the meaning of the *Education Act*.

(3) Obligated organizations to which this section applies shall meet the requirements of this section in accordance with the following schedule:

1. For large designated public sector organizations, January 1, 2013.
2. For small designated public sector organizations, January 1, 2015.
3. For large organizations, January 1, 2013.
4. For small organizations, January 1, 2015.

### **Training to educators**

**16.** (1) In addition to the requirements under section 7, obligated organizations that are school boards or educational or training institutions shall provide educators with accessibility awareness training related to accessible program or course delivery and instruction.

(2) Obligated organizations that are school boards or educational or training institutions shall keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

(3) Obligated organizations to which this section applies shall meet the requirements in this section in accordance with the following schedule:

1. For large designated public sector organizations, January 1, 2013.
2. For small designated public sector organizations, January 1, 2015.
3. For large organizations, January 1, 2013.
4. For small organizations, January 1, 2015.

(4) In this section,

“educators” means employees who are involved in program or course design, delivery and instruction, including staff of school boards; (“éducateurs”)

“school board” means a board as defined in subsection 1 (1) of the *Education Act*. (“conseil scolaire”)

#### **Producers of educational or training material**

**17.** (1) Every obligated organization that is a producer of educational or training textbooks for educational or training institutions shall upon request make accessible or conversion ready versions of the textbooks available to the institutions.

(2) Every obligated organization that is a producer of print-based educational or training supplementary learning resources for educational or training institutions shall upon request make accessible or conversion ready versions of the printed materials available to the institutions.

(3) Obligated organizations to which this section applies shall meet the requirements of this section in accordance with the following schedule:

1. In respect of accessible or conversion ready versions of textbooks, January 1, 2015.
2. In respect of accessible or conversion ready versions of printed materials that are educational or training supplementary learning resources, January 1, 2020.

#### **Libraries of educational and training institutions**

**18.** (1) Subject to subsection (2) and where available, the libraries of educational or training institutions that are obligated organizations shall provide, procure or acquire by other means an accessible or conversion ready format of print, digital or multimedia resources or materials for a person with a disability, upon request.

(2) Special collections, archival materials, rare books and donations are exempt from the requirements of subsection (1).

(3) Obligated organizations to which this section applies shall meet the requirements under this section in accordance with the following schedule:

1. In respect of print-based resources or materials, January 1, 2015.
2. In respect of digital or multimedia resources or materials, January 1, 2020.

### **Public libraries**

**19.** (1) Every obligated organization that is a library board shall provide access to or arrange for the provision of access to accessible materials where they exist.

(2) Obligated organizations that are library boards shall make information about the availability of accessible materials publicly available and shall provide the information in accessible format or with appropriate communication supports, upon request.

(3) Obligated organizations that are library boards may provide accessible formats for archival materials, special collections, rare books and donations.

(4) Obligated organizations that are library boards shall meet the requirements of this section by January 1, 2013.

(5) For the purposes of this section,

“ library board” means a board as defined in the *Public Libraries Act*, a public library service established under the *Northern Services Boards Act* or a county library established under the *County of Lambton Act, 1994*, being chapter Pr31 of the Statutes of Ontario, 1994, the *County of Elgin Act, 1985*, being chapter Pr16 of the Statutes of Ontario, 1985, or *The County of Lennox and Addington Act, 1978*, being chapter 126 of the Statutes of Ontario, 1978.

## **PART III EMPLOYMENT STANDARDS**

### **Scope and interpretation**

**20.** (1) The standards set out in this Part apply to obligated organizations that are employers and,

- (a) apply in respect of employees; and
- (b) do not apply in respect of volunteers and other non-paid individuals.

(2) In this Part, a reference to an employer is a reference to an obligated organization as an employer unless the context determines otherwise.

### **Schedule**

**21.** Unless otherwise specified in a section, obligated organizations, as employers, shall meet the requirements set out in this Part in accordance with the following schedule:

1. For the Government of Ontario and the Legislative Assembly, January 1, 2013.
2. For large designated public sector organizations, January 1, 2014.

3. For small designated public sector organizations, January 1, 2015.
4. For large organizations, January 1, 2016.
5. For small organizations, January 1, 2017.

### **Recruitment, general**

**22.** Every employer shall notify its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment processes.

### **Recruitment, assessment or selection process**

**23.** (1) During a recruitment process, an employer shall notify job applicants, when they are individually selected to participate in an assessment or selection process, that accommodations are available upon request in relation to the materials or processes to be used.

(2) If a selected applicant requests an accommodation, the employer shall consult with the applicant and provide or arrange for the provision of a suitable accommodation in a manner that takes into account the applicant's accessibility needs due to disability.

### **Notice to successful applicants**

**24.** Every employer shall, when making offers of employment, notify the successful applicant of its policies for accommodating employees with disabilities.

### **Informing employees of supports**

**25.** (1) Every employer shall inform its employees of its policies used to support its employees with disabilities, including, but not limited to, policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

(2) Employers shall provide the information required under this section to new employees as soon as practicable after they begin their employment.

(3) Employers shall provide updated information to its employees whenever there is a change to existing policies on the provision of job accommodations that take into account an employee's accessibility needs due to disability.

### **Accessible formats and communication supports for employees**

**26.** (1) In addition to its obligations under section 12, where an employee with a disability so requests it, every employer shall consult with the employee to provide or arrange for the provision of accessible formats and communication supports for,

- (a) information that is needed in order to perform the employee's job; and
- (b) information that is generally available to employees in the workplace.

(2) The employer shall consult with the employee making the request in determining the suitability of an accessible format or communication support.

### **Workplace emergency response information**

**27.** (1) Every employer shall provide individualized workplace emergency response information to employees who have a disability, if the disability is such that the individualized information is necessary and the employer is aware of the need for accommodation due to the employee' s disability.

(2) If an employee who receives individualized workplace emergency response information requires assistance and with the employee' s consent, the employer shall provide the workplace emergency response information to the person designated by the employer to provide assistance to the employee.

(3) Employers shall provide the information required under this section as soon as practicable after the employer becomes aware of the need for accommodation due to the employee' s disability.

(4) Every employer shall review the individualized workplace emergency response information,

- (a) when the employee moves to a different location in the organization;
- (b) when the employee' s overall accommodations needs or plans are reviewed; and
- (c) when the employer reviews its general emergency response policies.

(5) Every employer shall meet the requirements of this section by January 1, 2012.

### **Documented individual accommodation plans**

**28.** (1) Employers, other than employers that are small organizations, shall develop and have in place a written process for the development of documented individual accommodation plans for employees with disabilities.

(2) The process for the development of documented individual accommodation plans shall include the following elements:

1. The manner in which an employee requesting accommodation can participate in the development of the individual accommodation plan.
2. The means by which the employee is assessed on an individual basis.
3. The manner in which the employer can request an evaluation by an outside medical or other expert, at the employer' s expense, to assist the employer in determining if accommodation can be achieved and, if so, how accommodation can be achieved.
4. The manner in which the employee can request the participation of a representative from their bargaining agent, where the employee is represented by a bargaining agent, or other representative from the workplace, where the employee is not represented by a bargaining agent, in the development of the accommodation plan.

5. The steps taken to protect the privacy of the employee' s personal information.
  6. The frequency with which the individual accommodation plan will be reviewed and updated and the manner in which it will be done.
  7. If an individual accommodation plan is denied, the manner in which the reasons for the denial will be provided to the employee.
  8. The means of providing the individual accommodation plan in a format that takes into account the employee' s accessibility needs due to disability.
- (3) Individual accommodation plans shall,
- (a) if requested, include any information regarding accessible formats and communications supports provided, as described in section 26;
  - (b) if required, include individualized workplace emergency response information, as described in section 27; and
  - (c) identify any other accommodation that is to be provided.

### **Return to work process**

- 29.** (1) Every employer, other than an employer that is a small organization,
- (a) shall develop and have in place a return to work process for its employees who have been absent from work due to a disability and require disability-related accommodations in order to return to work; and
  - (b) shall document the process.
- (2) The return to work process shall,
- (a) outline the steps the employer will take to facilitate the return to work of employees who were absent because their disability required them to be away from work; and
  - (b) use documented individual accommodation plans, as described in section 28, as part of the process.

(3) The return to work process referenced in this section does not replace or override any other return to work process created by or under any other statute.

### **Performance management**

**30.** (1) An employer that uses performance management in respect of its employees shall take into account the accessibility needs of employees with disabilities, as well as individual accommodation plans, when using its performance management process in respect of employees with disabilities.

(2) In this section,

“ performance management” means activities related to assessing and improving employee performance, productivity and effectiveness, with the goal of facilitating employee success.

### **Career development and advancement**

**31.** (1) An employer that provides career development and advancement to its employees shall take into account the accessibility needs of its employees with disabilities as well as any individual accommodation plans, when providing career development and advancement to its employees with disabilities.

(2) In this section,

“career development and advancement” includes providing additional responsibilities within an employee’s current position and the movement of an employee from one job to another in an organization that may be higher in pay, provide greater responsibility or be at a higher level in the organization or any combination of them and, for both additional responsibilities and employee movement, is usually based on merit or seniority, or a combination of them.

### **Redeployment**

**32.** (1) An employer that uses redeployment shall take into account the accessibility needs of its employees with disabilities, as well as individual accommodation plans, when redeploying employees with disabilities.

(2) In this section,

“redeployment” means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

## **PART IV TRANSPORTATION STANDARDS**

### **DEFINITIONS**

#### **Definitions**

**33.** In this Part,

“bus” means a motor vehicle designed for carrying 10 or more passengers and used for the transportation of persons; (“autobus”)

“commuter rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes, operated between an urban area and its suburbs and is provided on designated lines between stations; (“train de banlieue”)

“conventional transportation service provider” means a designated public sector transportation organization described in paragraph 5 of Schedule 1 that provides conventional transportation services that operate solely within the Province of Ontario; (“fournisseur de services de transport classique”)

“conventional transportation services” means public passenger transportation services on transit buses, motor coaches or rail-based transportation that operate solely

- within the Province of Ontario and that are provided by a designated public sector transportation organization described in paragraph 5 of Schedule 1, but does not include specialized transportation services; (“ services de transport classique” )
- “ inter-city rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes and is intended for express service covering long distances with routes connecting two or more distinct or major locations; (“ train interurbain” )
- “ light rail” means a class of rail-based transportation, which is multi-unit, used for public passenger transportation purposes, provided on designated lines between stations and is intended for light loads and fast movement; (“ train léger sur rail” )
- “ mobility aid” means a device used to facilitate the transport, in a seated posture, of a person with a disability; (“ aide à la mobilité” )
- “ mobility assistive device” means a cane, walker or similar aid; (“ appareil ou accessoire fonctionnel de mobilité” )
- “ motor coach” means a class of bus of monocoque design, designed to provide intercity, suburban or commuter passenger transportation service and equipped with baggage storage that is separate from the passenger cabin; (“ autocar” )
- “ rail-based transportation” means any single or multi-unit passenger transportation vehicle operating exclusively on rail by a public transportation organization described in paragraph 5 of Schedule 1, and includes streetcars, light rail vehicles, subways, commuter rail and inter-city rail; (“ moyen de transport ferroviaire” )
- “ specialized transportation service provider” means a designated public sector transportation organization described in paragraph 5 of Schedule 1 that provides specialized transportation services that operate solely within the Province of Ontario; (“ fournisseur de services de transport adapté” )
- “ specialized transportation services” means public passenger transportation services that,
- (a) operate solely within the Province of Ontario,
  - (b) are provided by a designated public sector transportation organization as described in paragraph 5 of Schedule 1, and
  - (c) are designed to transport persons with disabilities; (“ services de transport adapté” )
- “ streetcar” means a class of rail-based transportation designed to operate on a highway, as defined in the *Highway Traffic Act*; (“ tramway” )
- “ subway” means a class of rail-based transportation, which is multi-unit, designed to operate on a grade separated from highways, as defined in the *Highway Traffic Act*, and provides service on designated lines between stations; (“ métro” )

“ support person” means, in relation to a person with a disability, another person who accompanies the person with a disability in order to help with communication, mobility, personal care or medical needs or with access to goods, services or facilities; (“ personne de soutien” )

“ taxicab” means a motor vehicle as defined in the *Highway Traffic Act*, other than a car pool vehicle, having a seating capacity of not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip and that is licensed as a taxicab by a municipality; (“ taxi” )

“ transit bus” means a class of bus which, while operated on a highway, as defined in the *Highway Traffic Act*, is designed and intended to be used for passenger transportation. (“ autobus urbain” )

#### CONVENTIONAL AND SPECIALIZED TRANSPORTATION SERVICE PROVIDERS, GENERAL

##### **Availability of information on accessibility equipment, etc.**

**34.** (1) All conventional transportation service providers and specialized transportation service providers shall make available to the public current information on accessibility equipment and features of their vehicles, routes and services.

(2) Conventional transportation service providers and specialized transportation service providers shall, upon request, provide the information described in subsection (1) in an accessible format.

(3) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by January 1, 2012.

##### **Non-functioning accessibility equipment**

**35.** (1) If the accessibility equipment on a vehicle is not functioning and equivalent service cannot be provided, conventional transportation service providers and specialized transportation service providers shall take reasonable steps to accommodate persons with disabilities who would otherwise use the equipment and the transportation service provider shall repair the equipment as soon as is practicable.

(2) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by July 1, 2011.

##### **Accessibility training**

**36.** (1) In addition to the training requirements set out in section 7, conventional transportation service providers and specialized transportation service providers shall conduct employee and volunteer accessibility training.

(2) The accessibility training shall include training on,

(a) the safe use of accessibility equipment and features;

(b) acceptable modifications to procedures in situations where temporary barriers exist or accessibility equipment on a vehicle fails; and

(c) emergency preparedness and response procedures that provide for the safety of persons with disabilities.

(3) Conventional transportation service providers and specialized transportation service providers shall keep a record of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided.

(4) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

### **Emergency preparedness and response policies**

**37.** (1) In addition to any obligations that a conventional transportation service provider or a specialized transportation service provider has under section 13, conventional transportation service providers and specialized transportation service providers,

(a) shall establish, implement, maintain and document emergency preparedness and response policies that provide for the safety of persons with disabilities; and

(b) shall make those policies available to the public.

(2) Conventional transportation service providers and specialized transportation service providers shall, upon request, provide the policies described in subsection (1) in an accessible format.

(3) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by January 1, 2012.

### **Fares, support persons**

**38.** (1) No conventional transportation service provider and no specialized transportation service provider shall charge a fare to a support person who is accompanying a person with a disability where the person with a disability has a need for a support person.

(2) It is the responsibility of a person with a disability to demonstrate to a transportation service provider described in subsection (1) their need for a support person to accompany them on the conventional or specialized transportation service and to ensure that the appropriate designation for a support person is in place.

(3) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

### **Transition, existing contracts**

**39.** Where a conventional transportation service provider has, on June 30, 2011, existing contractual obligations to purchase vehicles that do not meet the requirements of sections 53 to 62, the transportation service provider may honour the existing contract.

### **Transition, existing vehicles**

**40.** (1) Conventional transportation service providers are not required to retrofit vehicles that are within their fleet as of July 1, 2011 in order to ensure that the vehicles meet the accessibility requirements of sections 53 to 62.

(2) If a conventional transportation service provider modifies a portion of a vehicle to which subsection (1) applies in a way that affects or could affect accessibility on or after July 1, 2011, the transportation service provider shall ensure that the modified portion meets the requirements of sections 53 to 62.

(3) Where subsection (2) applies and the modification is with respect to matters referred to in section 53, 55, 57 or 61 or subsection 62 (2), the conventional transportation service provider does not have to meet the requirements of those provisions if the modifications would impair the structural integrity of the vehicle or the mobility aid accessible rail car.

#### CONVENTIONAL AND SPECIALIZED TRANSPORTATION SERVICE PROVIDERS, ACCESSIBILITY PLANS

### **Accessibility plans, conventional transportation services**

**41.** (1) In addition to the accessibility plan requirements set out in section 4, in their accessibility plan, conventional transportation service providers shall identify the process for managing, evaluating and taking action on customer feedback.

(2) Every conventional transportation service provider shall annually hold at least one public meeting involving persons with disabilities to ensure that they have an opportunity to participate in a review of the accessibility plan and that they are given the opportunity to provide feedback on the accessibility plan.

(3) If the provider of conventional transportation services also provides specialized transportation services, the transportation service provider shall address both types of transportation services in its accessibility plan.

(4) Transportation service providers shall meet the requirements of this section by January 1, 2013.

### **Accessibility plans, specialized transportation services**

**42.** (1) Specialized transportation service providers shall, in their accessibility plans,

(a) identify the process for estimating the demand for specialized transportation services; and

(b) develop steps to reduce wait times for specialized transportation services.

(2) Specialized transportation service providers shall meet the requirements of this section by January 1, 2013.

### **Accessibility plans, conventional and specialized transportation services**

**43.** (1) Conventional transportation service providers and specialized transportation service providers shall, in their accessibility plans, describe their procedures for dealing with accessibility equipment failures on their respective types of vehicles.

(2) Transportation service providers shall meet the requirements of this section by January 1, 2013.

#### **CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, GENERAL**

### **General responsibilities**

**44.** (1) Conventional transportation service providers shall,

- (a) deploy lifting devices, ramps or portable bridge plates upon the request of a person with a disability;
- (b) ensure that adequate time is provided to persons with disabilities to safely board, be secured and disembark transportation vehicles and that assistance be provided, upon request, for these activities;
- (c) assist with safe and careful storage of mobility aids or mobility assistive devices used by persons with disabilities; and
- (d) allow a person with a disability to travel with a medical aid.

(2) Conventional transportation service providers shall, upon request, make information on the matters referred to in subsection (1) available in an accessible format.

(3) Conventional transportation service providers shall comply with the requirements of this section by January 1, 2012.

(4) In this section,

“ medical aid” means an assistive device, including respirators and portable oxygen supplies.

### **Alternative accessible method of transportation**

**45.** (1) Except where not practicable to do so, a conventional transportation service provider that does not provide specialized transportation services shall ensure that any person with a disability who, because of his or her disability, is unable to use conventional transportation services is provided with an alternative accessible method of transportation.

(2) Subsection (1) does not apply where specialized transportation services are provided by a specialized transportation service provider in the same jurisdiction where the conventional transportation service provider provides transportation services.

(3) Conventional transportation service providers shall comply with the requirements of this section by January 1, 2013.

## **Fares**

**46.** (1) No conventional transportation service provider shall charge a higher fare to a person with a disability than the fare that is charged to a person without a disability where the person with a disability uses conventional transportation services, but a conventional transportation service provider may charge a lesser fare for a person with a disability.

(2) Conventional transportation service providers that do not provide specialized transportation services shall make available alternative fare payment options to persons with disabilities who cannot, because of their disability, use a fare payment option.

(3) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011 and the requirements of subsection (2) by January 1, 2013.

## **Transit stops**

**47.** (1) Conventional transportation service providers, in respect of transportation vehicles to which this section applies, shall ensure that persons with disabilities are able to board or deboard a transportation vehicle at the closest available safe location, as determined by the operator, that is not an official stop, if the official stop is not accessible and the safe location is along the same transit route.

(2) In determining where a safe location may be situated for the purposes of subsection (1), the conventional transportation service provider shall give consideration to the preferences of the person with a disability.

(3) Conventional transportation service providers shall ensure that operators of their transportation vehicles promptly report to an appropriate authority where a transit stop is temporarily inaccessible or where a temporary barrier exists.

(4) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.

(5) Conventional transportation service providers shall meet the requirements of this section by January 1, 2012.

## **Storage of mobility aids, etc.**

**48.** (1) Every conventional transportation service provider shall, if safe storage is possible, ensure that mobility aids and mobility assistive devices are stored in the passenger compartments of its transportation vehicles within reach of the person with the disability who uses the aid or device.

(2) If safe storage of mobility aids and mobility assistive devices is not possible within the passenger compartment and the vehicle is equipped with a baggage compartment, a conventional transportation service provider shall ensure that mobility

aids and mobility assistive devices are stored in the baggage compartment of the vehicle on which the person with the disability is travelling.

(3) Every conventional transportation service provider shall ensure that operators of its transportation vehicles secure and return mobility aids and mobility assistive devices in a manner that does not affect the safety of other passengers and does not cause damage to the aid or device, where the mobility aid or mobility assistive device is stored in the baggage compartment of the vehicle.

(4) No conventional transportation service provider shall charge a fee for the storage of a mobility aid or a mobility assistive device.

(5) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(6) Subject to subsection (7), conventional transportation service providers shall meet the requirements of this section by January 1, 2012.

(7) Conventional transportation service providers shall comply with subsection (4) by July 1, 2011.

### **Courtesy seating**

**49.** (1) Every conventional transportation service provider shall ensure that there is clearly marked courtesy seating for persons with disabilities on its transportation vehicles and that the courtesy seating meets the standards set out in this section.

(2) The courtesy seating for persons with disabilities shall be located as close as practicable to the entrance door of the vehicle.

(3) The courtesy seating for persons with disabilities shall be signed to indicate that passengers, other than persons with disabilities, must vacate the courtesy seating if its use is required by a person with a disability.

(4) Every conventional transportation service provider shall develop a communications strategy designed to inform the public about the purpose of courtesy seating.

(5) This section applies in respect of the following:

1. Transit buses.

2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(6) Conventional transportation service providers shall meet the requirements of this section by January 1, 2012.

### **Service disruptions**

**50.** (1) Where a route or scheduled service is temporarily changed and the change is known in advance of the commencement of the trip, conventional transportation service providers shall,

- (a) make available alternate accessible arrangements to transfer persons with disabilities to their route destination where alternate arrangements for persons without disabilities are inaccessible; and
- (b) ensure information on alternate arrangements is communicated in a manner that takes into account the person's disability.

(2) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(3) Conventional transportation service providers shall meet the requirements of this section by July 1, 2013.

### **Pre-boarding announcements**

**51.** (1) Every conventional transportation service provider shall ensure that there are, on request, pre-boarding verbal announcements of the route, direction, destination or next major stop.

(2) Every conventional transportation service provider shall ensure that there are electronic pre-boarding announcements of the route, direction, destination or next major stop on its transportation vehicles and that that these announcements satisfy the requirements set out in section 58.

(3) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(4) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011 and the requirements of subsection (2) by January 1, 2017.

**On-board announcements**

**52.** (1) Every conventional transportation service provider shall ensure that there are audible verbal announcements of all destination points or available route stops on its transportation vehicles while the vehicle is on route or while the vehicle is being operated.

(2) Every conventional transportation service provider shall ensure that all destination points or available route stops,

- (a) are announced through electronic means; and
- (b) are legibly and visually displayed through electronic means.

(3) For the purposes of clause (2) (b), visual displays of destination points or stop information shall satisfy the requirements set out in section 58.

(4) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(5) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011 and the requirements of subsections (2) and (3) by January 1, 2017.

## CONVENTIONAL TRANSPORTATION SERVICE PROVIDERS, TECHNICAL REQUIREMENTS

### **Requirements re grab bars, etc.**

**53.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles to which this section applies that are manufactured on or after January 1, 2013 are equipped with grab bars, handholds, handrails or stanchions that are provided where appropriate at,

- (a) locations where passengers are required to pay fares;
- (b) each mobility aid securement position;
- (c) each courtesy seating area intended for use by persons with disabilities; and
- (d) each side of any entrance or exit used by persons with disabilities.

(2) With respect to all transportation vehicles to which this section applies, every conventional transportation service provider shall ensure that grab bars, handholds, handrails or stanchions located at an entrance or exit used by a person with a disability are accessible from ground level and are mounted so that they are inside the vehicle when the doors are closed.

(3) Every conventional transportation service provider shall ensure that all vehicles to which this section applies meet the following standards:

1. The location of grab bars, handholds, handrails or stanchions must be distributed, as appropriate to the vehicle' s design, throughout the vehicle to support independent and safe boarding, on-board circulation, seating and standing assistance and deboarding for persons with disabilities.
2. Grab bars, handholds, handrails or stanchions must not interfere with the turning and maneuvering space required for mobility aids to reach the allocated space from the entrance.
3. Grab bars, handholds, handrails or stanchions must be high colour-contrasted with their background to assist with visual recognition.
4. Every grab bar, handhold, handrail or stanchion must,
  - i. be sturdy, rounded and free of any sharp or abrasive element,
  - ii. have an exterior diameter that permits easy grasping by the full range of passengers and sufficient clearance from the surface to which it is attached,
  - iii. be designed to prevent catching or snagging of clothes or personal items, and
  - iv. have a slip resistant surface.
5. Where grab bars, handholds, handrails or stanchions return to a wall or floor, they must do so in a smooth curve.

6. Brackets, clamps, screw heads or other fasteners used on grab bars, handholds, handrails or stanchions must be rounded or flush with the surface and free from burrs or rough edges.

(4) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(5) Despite subsection (4), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(6) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

(7) Subsection (6) does not apply if the installation of the grab bars, handholds, handrails or stanchions would impair the structural integrity of the vehicle.

### **Floors and carpeted surfaces**

**54.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies,

- (a) have floors that produce a minimal glare and are slip resistant; and
- (b) any carpeted surfaces have a low, firm and level pile or loop and are securely fastened.

(2) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.

7. Inter-city rail.

(3) Despite subsection (2), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(4) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

**Allocated mobility aid spaces**

**55.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies,

(a) have two or more allocated mobility aid spaces, with each space being a minimum of,

(i) 1,220 millimetres by 685 millimetres for vehicles designed to have a seating capacity of 24 passengers or less, and

(ii) 1,220 millimetres by 760 millimetres for vehicles designed to have a seating capacity of more than 24 passengers; and

(b) are equipped, as appropriate, with securement devices.

(2) Spaces on transportation vehicles that are allocated as mobility aid spaces may be used for other passenger purposes, if not required for use by a person with a disability who uses a mobility aid.

(3) This section applies in respect of the following:

1. Transit buses.

2. Motor coaches.

3. Streetcars.

4. Subways.

5. Light rail.

6. Commuter rail.

7. Inter-city rail.

(4) Despite subsection (3), subsection (1) does not apply to vehicles that have two or more allocated mobility aid spaces and that are regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of a type referenced

in subsection (3) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

(6) Subsection (5) does not apply if the installation of mobility aid spaces would impair the structural integrity of the vehicle.

### **Stop-requests and emergency response controls**

**56.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies are equipped with accessible stop-requests and emergency response controls that are located throughout the transportation vehicle, including places within reach of allocated mobility aid spaces and courtesy seating locations.

(2) Accessible stop-requests and emergency response controls must meet the following standards:

1. They must provide auditory and visual indications that the request has been made.
2. They must be mounted no higher than 1,220 millimetres and no lower than 380 millimetres above the floor.
3. They must be operable with one hand and must not require tight grasping, pinching or twisting of the wrist.
4. They must be high colour-contrasted with the equipment to which the control is mounted.
5. They must provide tactile information on emergency response controls.

(3) With respect to stop-requests, this section applies to the following:

1. Transit buses.
2. Motor coaches.
3. Street cars.

(4) With respect to emergency response controls, this section applies to the following:

1. Subways.
2. Light rail.
3. Commuter rail.
4. Inter-city rail.

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (3) or (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

## **Lighting features**

**57.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies are equipped with lights above or beside each passenger access door that are constantly lit when the door is open and that illuminate the lifting device, ramp, portable bridge plate or step nosings, as the case may be.

(2) The light above or beside each passenger access door must,

(a) when the door is open, illuminate the ground surface for a distance of at least 0.9 metres perpendicular to the bottom step tread or lift outer edge; and

(b) be shielded to protect the eyes of entering and exiting passengers.

(3) This section applies in respect of the following:

1. Transit buses.

2. Motor coaches.

3. Streetcars.

4. Subways.

5. Light rail.

6. Commuter rail.

7. Inter-city rail.

(4) Despite subsection (3), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (3) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

(6) Subsection (5) does not apply if the installation of the lights would impair the structural integrity of the vehicle.

## **Signage**

**58.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies display the route or direction of the transportation vehicle or its destination or next major stop.

(2) For the purposes of subsection (1), the signage displaying the route or direction or destination or next stop may include pictograms or symbols, but the signage must,

(a) be visible at the boarding point;

(b) be consistently located;

- (c) have a glare-free surface; and
- (d) be positioned to avoid shadow areas and glare.

(3) Every conventional transportation service provider shall ensure that the signage displaying the route or direction or destination or next stop,

- (a) is consistently shaped, coloured and positioned, when used in the same type of transportation vehicle to give the same type of information; and
- (b) has text that,
  - (i) is high colour-contrasted with its background, in order to assist with visual recognition, and
  - (ii) has the appearance of solid characters.

(4) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(5) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

### **Lifting devices, etc.**

**59.** (1) Every conventional transportation service provider shall ensure that all of its transportation vehicles manufactured on or after January 1, 2013 to which this section applies are equipped with lifting devices, ramps or portable bridge plates and that each of them has,

- (a) a colour strip that runs its full width marking the bottom edge and that is high colour-contrasted with its background to assist with visual recognition;
- (b) a slip resistant platform surface; and
- (c) raised edges of sufficient height to prevent a mobility aid from rolling off the edge of the ramp during the boarding or deboarding of passengers.

(2) This section applies in respect of the following:

1. Transit buses.

2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(3) Despite subsection (2), this section does not apply to vehicles that are equipped with lifting devices, ramps or portable bridge plates and that are regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(4) Despite subsection (1), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

### **Steps**

**60.** (1) Every conventional transportation service provider shall ensure that where transportation vehicles are equipped with steps, the steps meet the following requirements:

1. The top outer edge of each step is marked by a colour strip that is high colour-contrasted with its background, to assist with visual recognition, that runs the full width of the leading edge of the step, excluding any side edge mouldings, and can be viewed from both directions of travel.
2. The steps have surfaces that are slip resistant and that produce minimal glare.
3. The steps have uniform, closed riser heights and tread depths, subject to the structural limitations of the vehicle.

(2) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(3) Despite subsection (2), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(4) Conventional transportation service providers shall comply with the requirements of this section in respect of its vehicles to which this section applies that are manufactured on or after January 1, 2013.

(5) Despite subsection (4), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type referenced in subsection (2) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

### **Indicators and alarms**

**61.** (1) Every conventional transportation service provider shall ensure that where its transportation vehicles have a ramp, lifting device or a kneeling function, each of them is equipped with a visual warning lamp indicator mounted on the exterior near the mobility aid accessible door and with an audible warning alarm.

(2) The visual warning lamp indicator and the audible warning alarm must function when the kneeling function, ramp or lifting device is in motion.

(3) If a ramp or lifting device is being manually operated, no warning lamp indicator or warning alarm is required.

(4) This section applies in respect of the following:

1. Transit buses.
2. Motor coaches.
3. Streetcars.
4. Subways.
5. Light rail.
6. Commuter rail.
7. Inter-city rail.

(5) Despite subsection (4), this section does not apply to vehicles regulated under Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Passengers) made under the *Highway Traffic Act*.

(6) Conventional transportation service providers shall comply with the requirements of this section in respect of its vehicles to which the section applies that are manufactured on or after January 1, 2013.

(7) Despite subsection (6), where a conventional transportation service provider enters into a contractual obligation to purchase new or used vehicles of the type

referenced in subsection (4) on or after July 1, 2011, the transportation service provider shall ensure the vehicles meet the requirements of this section.

(8) Subsection (7) does not apply if the installation of the warning lamp indicator or warning alarm would impair the structural integrity of the vehicle.

### **Accessibility, rail cars**

**62.** (1) Every conventional transportation service provider whose transportation services include light rail, commuter rail or inter-city rail shall ensure that at least one rail car per train is accessible to persons with disabilities who use mobility aids.

(2) Every conventional transportation service provider whose transportation services include light rail, commuter rail or inter-city rail shall ensure that where washrooms are provided on the rail cars there is at least one mobility aid accessible washroom on the mobility aid accessible rail car.

(3) Conventional transportation service providers shall meet the requirements of subsection (1) by July 1, 2011.

(4) Conventional transportation service providers shall meet the requirements of subsection (2) by January 1, 2013 with respect to trains that are using rail cars manufactured on or after January 1, 2013.

(5) Despite subsection (4), where a conventional transportation service provider enters into a contractual obligation to purchase new or used rail cars on or after July 1, 2011, it shall ensure that trains that are using such rail cars meet the requirements of subsection (2).

(6) Subsection (5) does not apply if the installation of the mobility aid accessible washroom would impair the structural integrity of the mobility aid accessible rail car.

## **SPECIALIZED TRANSPORTATION SERVICE PROVIDERS**

### **Categories of eligibility**

**63.** (1) Every specialized transportation service provider shall have three categories of eligibility to qualify for specialized transportation services,

- (a) unconditional eligibility;
- (b) temporary eligibility; and
- (c) conditional eligibility.

(2) For purposes of eligibility for specialized transportation services, specialized transportation service providers shall categorize persons with disabilities as follows:

1. A person with a disability that prevents them from using conventional transportation services shall be categorized as having unconditional eligibility.
2. A person with a temporary disability that prevents them from using conventional transportation services shall be categorized as having temporary eligibility.

3. A person with a disability where environmental or physical barriers limit their ability to consistently use conventional transportation services shall be categorized as having conditional eligibility.

(3) A specialized transportation service provider may deny requests for specialized transportation services to persons who are categorized as having temporary eligibility or conditional eligibility if the conventional transportation service is accessible to the person and the person has the ability to use it.

(4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2017.

### **Eligibility application process**

**64.** (1) If a person has completed an application for eligibility for specialized transportation services and the person's eligibility has not been determined within 14 calendar days after the completed application is received by the specialized transportation service provider, the person shall be considered to have temporary eligibility for specialized transportation services until a decision on his or her eligibility is made.

(2) A specialized transportation service provider shall not charge a fee to persons with disabilities who apply or who are considered eligible for specialized transportation services.

(3) A specialized transportation service provider may require a reassessment of the eligibility of temporarily eligible registrants at reasonable intervals.

(4) A specialized transportation service provider shall, upon the request of the person requesting specialized transportation services, make available to the requester all of his or her specialized transportation services eligibility application and decision information in accessible formats.

(5) A specialized transportation service provider shall establish an independent appeal process to review decisions respecting eligibility.

(6) A specialized transportation service provider shall make a decision on an appeal with respect to eligibility within 30 calendar days after receiving the complete appeal application, but if a final decision is not made within the 30 days, the applicant shall be granted temporary eligibility until a final decision is made.

(7) Specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

(8) A specialized transportation service provider shall have policies respecting the collection, use and disclosure of personal information collected for purposes of determining eligibility under this section.

(9) In this section,

“personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*.

### **Emergency or compassionate grounds**

**65.** (1) Specialized transportation service providers shall develop procedures respecting the provision of temporary specialized transportation services earlier than in the 14 calendar days referred to in subsection 64 (1),

- (a) where the services are required because of an emergency or on compassionate grounds; and
- (b) where there are no other accessible transportation services to meet the person' s needs.

(2) A person shall apply for the services described in subsection (1) in the manner determined by the specialized transportation service provider.

(3) Specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

### **Fare parity**

**66.** (1) Where conventional transportation services and specialized transportation services are provided by separate transportation service providers in the same jurisdiction, the specialized transportation service provider shall not charge more than the highest fare charged for conventional transportation services in the same jurisdiction.

(2) Specialized transportation service providers shall meet the requirements of subsection (1) by January 1, 2017.

(3) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that there is fare parity between conventional transportation services and specialized transportation services.

(4) Transportation service providers to which subsection (3) applies shall meet the requirements of that subsection by January 1, 2013.

(5) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that the same fare structure is applied to conventional transportation services and specialized transportation services.

(6) Where a transportation service provider provides both conventional transportation services and specialized transportation services, the transportation service provider shall ensure that the same fare payment options are available for all transportation services, but alternative options shall be made available to persons with disabilities who cannot because of their disability use a fare payment option.

(7) Conventional transportation service providers and specialized transportation service providers shall meet the requirements of subsections (5) and (6) by January 1, 2013.

(8) In this section,

“ fare structure” means the fare price determined by fare media, such as cash, tickets, passes and bulk quantity discounts and by fare category, such as adults, seniors and students, but does not include promotional fares that a transportation service provider may employ from time to time.

### **Visitors**

**67.** (1) Every specialized transportation service provider shall,

(a) make specialized transportation services available to visitors; and

(b) consider as eligible,

(i) visitors who provide confirmation that they are eligible for specialized transportation services in the jurisdiction in which they reside, or

(ii) visitors who meet the specialized transportation services eligibility requirements of the specialized transportation service provider.

(2) Every specialized transportation service provider shall develop criteria to determine who falls into the category of visitor for the purposes of this section.

(3) Specialized transportation service providers shall meet the requirements of this section by January 1, 2013.

(4) A specialized transportation service provider shall have policies respecting the collection, use and disclosure of personal information collected for purposes of determining eligibility under this section.

(5) In this section,

“ personal information” means personal information within the meaning of the *Freedom of Information and Protection of Privacy Act*.

### **Origin to destination services**

**68.** (1) Every specialized transportation service provider shall provide origin to destination services within its service area that takes into account the abilities of its passengers and that accommodates their abilities.

(2) Origin to destination services may include services on any accessible conventional transportation services.

(3) For the purposes of this section, origin to destination services refers to the overall package of transportation services that allows a specialized transportation service provider to provide, in a flexible way, transportation services in a manner that best meets the needs of persons with disabilities.

(4) Specialized transportation service providers shall meet the requirements of this section by July 1, 2011.

### **Co-ordinated service**

**69.** (1) Where specialized transportation services are provided in adjacent municipalities within contiguous urban areas, the specialized transportation service providers shall facilitate connections between their respective services.

(2) Specialized transportation service providers to which subsection (1) applies shall determine the accessible stops and drop off locations in the contiguous urban areas that have specialized transportation services.

(3) Specialized transportation service providers shall meet the requirements of this section by January 1, 2013.

### **Hours of service**

**70.** (1) Where conventional transportation services and specialized transportation services are provided by separate transportation service providers in the same jurisdiction, the specialized transportation service provider shall ensure that it has, at a minimum, the same hours and days of service as any one of the conventional transportation service providers.

(2) Where a transportation service provider provides both conventional transportation services and specialized transportation services, it shall ensure that the specialized transportation services have, at a minimum, the same hours and days of service as the conventional transportation services.

(3) Specialized transportation service providers to which subsection (1) applies shall meet the requirements of subsection (1) by January 1, 2017 and transportation service providers to which subsection (2) applies shall meet the requirements of subsection (2) by January 1, 2013.

### **Booking**

**71.** (1) Every specialized transportation service provider shall, where the specialized transportation services require reservations,

(a) provide same day service to the extent that it is available; and

(b) where same day service is not available, accept booking requests up to three hours before the published end of the service period on the day before the intended day of travel.

(2) A specialized transportation service provider to whom subsection (1) applies shall provide accessible means to accept reservations.

(3) Specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

### **Trip restrictions**

**72.** (1) No specialized transportation service provider shall limit the availability of specialized transportation services to persons with disabilities by,

(a) restricting the number of trips a person with a disability is able to request; or

(b) implementing any policy or operational practice that unreasonably limits the availability of specialized transportation services.

(2) Specialized transportation service providers shall meet the requirements of this section by January 1, 2014.

### **Service delays**

**73.** (1) Every specialized transportation service provider, where the specialized transportation services require reservations, shall provide information on the duration of service delays to affected passengers by a method agreed to by the specialized transportation service provider and passenger.

(2) For the purposes of this section, a service delay is a delay of 30 minutes or more after the scheduled pick-up time.

(3) This section does not apply in respect of delays in service that arise during the trip.

(4) Specialized transportation service providers shall meet the requirements of this section by January 1, 2013.

### **Companions and children**

**74.** (1) Every specialized transportation service provider shall allow companions to travel with persons with disabilities if space is available and will not result in the denial of service to other persons with disabilities.

(2) Every specialized transportation service provider shall allow dependants to travel with a person with a disability who is the parent or guardian of the dependant if appropriate child restraint securement systems and equipment are, if required, available.

(3) Specialized transportation services providers shall meet the requirements of this section by January 1, 2012.

## **OTHER TRANSPORTATION SERVICES**

### **School transportation**

**75.** (1) This section applies to every school board that provides transportation services for its students.

(2) School boards to which this section applies shall,

(a) ensure that integrated accessible school transportation services are provided for their students; or

(b) ensure that appropriate alternative accessible transportation services are provided for students with disabilities, where in the opinion of the board integrated accessible school transportation services are not possible or not the best option for a student with a disability because of the nature of the disability or safety concerns.

(3) School boards to which this section applies shall, in consultation with parents or guardians of students with disabilities,

- (a) identify students with disabilities before the commencement of each school year or during the school year, based on the needs of the student with a disability;
- (b) develop individual school transportation plans for each student with a disability that,
  - (i) detail student assistance needs for each student with a disability, and
  - (ii) include plans for individual student boarding, securement and deboarding; and
- (c) identify and communicate to the appropriate parties the roles and responsibilities of the transportation provider, the parents or guardians of the student with the disability, the operator of the vehicle used to transport the student, appropriate school staff and the student with the disability.

(4) School boards to which this section applies shall meet,

- (a) the requirements of subsection (2) by July 1, 2011; and
- (b) the requirements of subsection (3) by January 1, 2014.

(5) In this section,

“ school board” means a board as defined in subsection 1 (1) of the *Education Act*; (“ conseil scolaire” )

“ transportation provider” includes an entity or person that has entered into an agreement with a board for the transportation of students under subsection 190 (6) of the *Education Act*; (“ fournisseur de services de transport” )

“ transportation services” means transportation that a board provides under section 190 of the *Education Act*. (“ services de transport” )

### **Public sector organizations**

**76.** (1) Designated public sector organizations described in paragraphs 2, 3 and 4 of Schedule 1 that are not primarily in the business of transportation, but that provide transportation services, shall provide accessible vehicles or equivalent services upon request.

(2) For the purposes of subsection (1), transportation services do not include campus security services provided by a designated public sector organization described in paragraph 3 or 4 of Schedule 1.

(3) Designated public sector organizations referred to in subsection (1) shall meet the requirements of this section by July 1, 2011.

## **Ferries**

**77.** (1) Designated public sector organizations that operate ferries that are under provincial jurisdiction shall do so in accordance with the Code of Practice entitled “ Ferry Accessibility for Persons with Disabilities” (“ the Code” ).

(2) Designated public sector organizations that operate ferries to which this section applies shall meet the requirements of sections 2.1, 2.2, 2.3, 2.4, 2.11, 2.12, 2.13 and 3 of the Code by July 1, 2011.

(3) Designated public sector organizations that operate ferries to which this section applies shall ensure that its ferries that are manufactured on or after July 1, 2013 meet the requirements of sections 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.14, 2.15, 2.16, 2.17, 2.18 and 2.19 of the Code.

(4) The following sections apply, as of the date set out in the sections, with necessary modifications, to ferries to which this section applies:

1. Section 34 (Availability of information on accessibility equipment, etc.).
2. Section 36 (Accessibility training).
3. Section 37 (Emergency preparedness and response policies).
4. Section 38 (Fares, support persons).
5. Section 44 (General responsibilities).
6. Section 46 (Fares).
7. Section 48 (Storage of mobility aids, etc.).
8. Section 50 (Service disruptions).

(5) In this section,

“ Code of Practice” and “ Code” mean the document referred to as a Code of Practice entitled “ Ferry Accessibility for Persons with Disabilities” , published by the Canadian Transportation Agency and dated 1999; (“ Code de pratiques” , “ Code” )

“ ferry” means a vessel providing passenger transportation services solely within the province of Ontario, transporting passengers only or passengers and motor vehicles, that may be used by the general public and that weighs 1,000 gross tonnes or more. (“ traversier” )

## **DUTIES OF MUNICIPALITIES AND TAXICABS**

### **Duties of municipalities, general**

**78.** (1) Any municipality that provides conventional transportation services shall consult with its municipal accessibility advisory committee, where one has been established in accordance with subsection 29 (1) or (2) of the Act, the public and persons

with disabilities in the development of accessible design criteria to be considered in the construction, renovation or replacement of bus stops and shelters.

(2) Every municipality to which subsection (1) applies shall identify planning for accessible bus stops and shelters, including any steps that will be taken to meet the goal of accessible bus stops and shelters, in its accessibility plan required under Part I.

(3) Where a municipality has entered into arrangements with a person respecting the construction of bus stops and shelters in its jurisdiction, the municipality shall ensure that the person participates in the consultation and planning as described in subsections (1) and (2).

(4) Municipalities shall meet the requirements of this section by January 1, 2013.

### **Duties of municipalities, accessible taxicabs**

**79.** (1) Every municipality shall consult with its municipal accessibility advisory committee, where one has been established in accordance with subsection 29 (1) or (2) of the Act, the public and persons with disabilities to determine the proportion of on-demand accessible taxicabs required in the community.

(2) Every municipality shall identify progress made toward meeting the need for on-demand accessible taxicabs, including any steps that will be taken to meet the need, in its accessibility plan required under Part I.

(3) Municipalities shall meet the requirements of this section by January 1, 2013.

(4) In this section,

“ accessible taxicab” means an accessible taxicab as defined in section 1 of Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the *Highway Traffic Act*.

### **Duties of municipalities, taxicabs**

**80.** (1) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs are prohibited,

- (a) from charging a higher fare or an additional fee for persons with disabilities than for persons without disabilities for the same trip; and
- (b) from charging a fee for the storage of mobility aids or mobility assistive devices.

(2) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs place vehicle registration and identification information on the rear bumper of the taxicab.

(3) Any municipality that licenses taxicabs shall ensure that owners and operators of taxicabs make available vehicle registration and identification information in an accessible format to persons with disabilities who are passengers.

(4) The information in subsection (2) shall meet the requirements of subsection 58 (3).

(5) Municipalities described in this section shall meet the requirements in this section,

(a) by July 1, 2011, in respect of subsection (1); and

(b) by January 1, 2012, in respect of subsections (2) and (3).

## **PART V COMPLIANCE**

### **Application**

**81.** This Part applies in respect of this Regulation and Ontario Regulation 429/07 (Accessibility Standards for Customer Service) made under the Act.

### **Definition**

**82.** In this Part,

“corporation” means any corporation with or without share capital wherever or however incorporated and includes a corporation with or without share capital that is incorporated or continued otherwise than by or under the authority of an Act of the Legislature.

### **Amount of administrative penalty**

**83.** (1) For the purposes of paragraph 3 of subsection 21 (3), paragraph 2 of subsection 21 (4), subsection 21 (5) and paragraph 2 of subsection 33 (8) of the Act, a director shall determine the amount of the administrative penalty according to the following rules:

1. The director shall determine whether, in his or her opinion, the severity of the impact of the contravention is of a minor, moderate or major nature.
2. The director shall determine the contravention history of the person or organization over the current two reporting cycles period.
3. The director shall determine whether the person or organization is a corporation or an individual or unincorporated organization.
4. Based on the determinations made in accordance with paragraphs 1, 2 and 3, and subject to paragraph 5, the director shall determine the amount of administrative penalty using Schedule 2, in the case of an individual or unincorporated organization, or Schedule 3, in the case of a corporation.
5. In cases where the impact of the contravention is determined to be major and the contravention history of the person or organization is determined to be major, the director may treat the penalty determined in accordance with Schedule 2 or 3 as a daily penalty to a maximum of,
  - i. \$100,000, in the case of a corporation, and

ii. \$50,000, in the case of an individual or unincorporated organization.

(2) For the purposes of paragraph 1 of subsection (1), the severity of the impact of the contravention shall be determined by ranking the contravention as minor, moderate or major in the following manner:

1. A contravention is minor where it involves the contravention of an administrative requirement.
2. A contravention is moderate where it involves the contravention of a requirement for organizational preparedness.
3. A contravention is major where it involves the contravention of a priority requirement that includes, but is not limited to, a contravention that may pose a health or safety risk to persons with disabilities.

(3) For the purposes of paragraph 2 of subsection (1), the contravention history of the person or organization shall be determined by ranking it as minor, moderate or major in the following manner:

1. A contravention history is minor where there has been no more than one previous contravention within the current two reporting cycles period.
2. A contravention history is moderate where there has been between two and five previous contraventions within the current two reporting cycles period.
3. A contravention history is major where there has been six or more previous contraventions within the current two reporting cycles period.

(4) For purposes of this section and subject to subsection (7), the current two reporting cycles period is determined as follows:

1. A reporting cycle corresponds to the cycle within which a person or organization must file an accessibility report under subsection 14 (1) of the Act and begins on the first day the person or organization must file the report and ends on the last day before the next report must be filed.
2. Subject to paragraph 3, the current two reporting cycles period refers to the period that begins on the first day of a reporting cycle (“ the first reporting cycle” ) and ends on the last day of the next reporting cycle (“ the second reporting cycle” ).
3. The first reporting cycle in a current two reporting cycles period commences as an odd reporting cycle, as in the first reporting cycle, the third reporting cycle and the fifth reporting cycle, and the second reporting cycle in a current two reporting cycles period commences as an even reporting cycle.

(5) For purposes of determining contravention history in the current two reporting cycles period, on the first day of the first reporting cycle the contravention history of the person or organization is deemed to be zero and on the first day of every odd reporting

cycle after that the contravention history of the person or organization is deemed to be zero.

(6) If a person or organization filed an accessibility report before July 1, 2011, the two reporting cycles period is calculated from the first day that the person or organization was required to file an accessibility report.

(7) For persons or organizations that are exempted from the reporting requirements of subsection 14 (1) of the Act, the two reporting cycles period consists of the 12-month period that begins at the earliest of the following and ends at the end of each 12-month period:

1. The first day that a director requests reports or information from the person or organization under section 17 of the Act.
2. The first day that an inspector requires a person or organization to produce a document, record or thing under subsection 19 (5) of the Act.
3. The first day that the person or organization receives or is deemed to have received a notice of order under subsection 22 (1) of the Act.

(8) For persons or organizations to which subsection (7) applies, their contravention history is deemed to be zero at the end of each 12-month period.

#### **Review of order**

**84.** For purposes of the review of an order under section 25 of the Act, the following apply:

1. If a person or organization seeks a review, the person or organization must provide a written submission requesting the review, including an explanation as to why the review is sought, within 30 days after the order was made.
2. The director who reviews the order must be a director other than the director who made the order.
3. If the director reviewing the order decides to vary it, the director may reduce the amount of the administrative penalty but shall not increase the amount of the penalty.
4. If the director reviewing the order finds that the amount of the administrative penalty is excessive or punitive in the circumstances, the director shall reduce the amount of the penalty.

#### **Payment of penalty**

**85.** (1) The person or organization that has been ordered to pay an administrative penalty shall pay the penalty within 30 days after the order was made, unless a longer period is specified in the order.

(2) Where a person or organization that has been ordered to pay an administrative penalty seeks a review of the order under section 25 of the Act or appeals the order under section 27 of the Act, the person or organization shall pay the penalty within 30 days

after the order is dealt with in the review or appeal, unless a different period is specified in the order after the review or appeal.

(3) For the purposes of subsection (2), where a person or organization both seeks a review of the order and appeals the order, the administrative penalty shall be paid within 30 days after the order of the Tribunal, unless the order of the Tribunal specifies a different period.

### **Designation of tribunal**

**86.** The Licence Appeal Tribunal is designated as the tribunal for the purposes of section 26 of the Act.

### **Commencement**

**87. This Regulation comes into force on the later of July 1, 2011 and the day it is filed.**

## SCHEDULE 1 BROADER PUBLIC SECTOR

1. Every district school board as defined in section 1 of the *Education Act*.
2. Every hospital as defined in section 1 of the *Public Hospitals Act*.
3. Every college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
4. Every university in Ontario, including its affiliated and federated colleges, that receives annual operating grants from the Government of Ontario.
5. Every public transportation organization in Ontario, including any municipally operated transportation services for persons with disabilities, that provides services for which a fare is charged for transporting the public by vehicles that are operated,
  - i. by, for or on behalf of the Government of Ontario, a municipality, a local board of a municipality or a transit or transportation commission or authority,
  - ii. under an agreement between the Government of Ontario and a person, firm, corporation, or transit or transportation commission or authority, or
  - iii. under an agreement between a municipality and a person, firm, corporation or transit or transportation commission or authority.

**SCHEDULE 2  
ADMINISTRATIVE PENALTIES FOR INDIVIDUALS OR UNINCORPORATED  
ORGANIZATIONS**

Impact of Contravention:		Major	Moderate	Minor
Contravention History:	Major	\$2,000	\$1,000	\$500
	Moderate	\$1,000	\$500	\$250
	Minor	\$500	\$250	\$200

**SCHEDULE 3  
ADMINISTRATIVE PENALTIES FOR CORPORATIONS**

Impact of Contravention:		Major	Moderate	Minor
Contravention History:	Major	\$15,000	\$10,000	\$5,000
	Moderate	\$10,000	\$5,000	\$2,500
	Minor	\$2,000	\$1,000	\$500