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Review of the Information and Communications Standards – 2019 Initial Recommendations Report

Draft recommendations from the Information and Communications Standards Development Committee. The committee works to ensure information and communications are more accessible to people with disabilities.

[How to participate \(https://www.ontario.ca/page/consultation-initial-recommendations-improve-accessibility-standards-information-and-communications#section-2\)](https://www.ontario.ca/page/consultation-initial-recommendations-improve-accessibility-standards-information-and-communications#section-2)

Introduction

Recognizing the history of discrimination against persons with disabilities in Ontario, the purpose of this Act is to benefit all Ontarians by developing, implementing and enforcing accessibility standards in order to achieve accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures and premises on or before January 1, 2025; and providing for the involvement of persons with disabilities, of the Government of Ontario and of representatives of industries and of various sectors of the economy in the development of the accessibility standards.

Accessibility for Ontarians with Disabilities Act, 2005

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The act became law in 2005. Its stated goal is the creation of an accessible Ontario by 2025, through the development, implementation and enforcement of accessibility standards that apply to the public, private and not-for-profit sectors.

With the act, Ontario became the first province in Canada and one of the first places in the world to bring in a specific law establishing a goal and timeframe for accessibility. It was also the first place to legally require accessibility reporting, and one of the first to establish accessibility standards so that people with disabilities have more opportunities to participate in everyday life.

Accessibility standards

The accessibility standards under the act are laws that businesses and organizations with one or more employees in Ontario must follow so they can identify, remove and prevent barriers faced by people with disabilities. These standards are part of the act's Integrated Accessibility Standards Regulation. Currently, there are five accessibility standards, and they apply to key areas of day-to-day life for Ontarians. These are:

- Information and Communications
- Employment
- Transportation
- Design of Public Spaces
- Customer Service

Standards review process

The act requires that each of Ontario's accessibility standards be reviewed within five years of becoming law, to determine whether they are working as intended and to allow for changes to be made if they are required. These reviews are carried out by Standards Development Committees. The act also requires that committees be comprised of representatives from industries or other organizations that are affected by the accessibility standards, government ministries with responsibilities relating to those industries and organizations and people with disabilities or their representatives.

As required by the act, the committee must:

- re-examine the long-term objectives of the standards
- if required, revise the measures, policies, practices and requirements to be implemented on or before January 1, 2025, as well as the timeframe for their implementation
- develop initial proposed recommendations containing changes or additions that the committee considers advisable, and submit them for public comment
- based on public feedback, make such changes to the proposed accessibility standards that it considers advisable, and submit those recommendations to the minister

This report presents the initial recommendations for proposed accessibility standards by the Information and Communications Standards Development Committee.

Information and Communications Standards Development Committee

The committee was established in late 2016. It is composed of 21 members, 17 of whom have the power to vote on decisions and are considered voting members. The remaining four members, who are non-voting, are drawn from ministries which have responsibilities relating to the sectors to which the standards apply. Nine of the voting members are people with disabilities or their representatives. All members are listed in [Appendix A](#) of this report. Their first meeting—an orientation session—was held in March 2017. Through 2017 and into Winter 2018, the committee held several meetings with the goal of finalizing its initial recommendations.

To inform its review, the committee was provided with stakeholder feedback from the Accessibility for Ontarians with Disabilities Division of the Ministry for Seniors and Accessibility (formerly the Accessibility Directorate of Ontario). This feedback was informed by incoming written correspondence, telephone calls, compliance-related activities and consultation with stakeholders.

The committee's deliberations benefitted from the diverse viewpoints and knowledge that members brought to the table. After each meeting, members sought feedback from their communities and networks to share at the following meeting. This input informed voting on recommended changes.

As noted above, this document sets out the committee's initial recommendations for proposed updated accessibility standards. As required under the act, the report is being made available for public comment. Following the public posting period, the committee will consider all comments received and make any changes to the proposed accessibility standards it considers advisable. Once finalized, the committee will submit its final recommendations for new proposed standards to the Minister. As outlined by the act, the Minister may adopt the recommendations in an amended regulation in whole, in part, or with modifications.

Approach taken by committee

The standards deal with the way organizations create and share information and outline how they are to make information and communications accessible to people with disabilities. The standards require that accessible formats and communication supports be made available on request. They also cover such areas as emergency and public safety information, websites, feedback processes, as well as educational, training and library materials and resources and training for educators.

The committee's discussions reflected a consensus that the current standards are not keeping pace with technology. There was mention that the standards are not always strong enough and are often too difficult to apply. The committee also discussed the fact that the standards are confusing and prevent innovation in accessible technology. Overall, committee members agreed that the standards need to be modernized and crafted to ensure they remain relevant in the future, as technology changes at an increasingly rapid pace.

To assist with developing this advice, the committee created the Digital Inclusion Technical Subcommittee. The subcommittee's main task was to provide expert advice to the committee about Section 14 of the regulation, which sets out the accessibility requirements for websites and web content. All members of the subcommittee are listed in [Appendix A](#) of this report.

In addition, the subcommittee was asked to think about some very broad questions, including what accessibility means in today's digital world, and whether the current regulatory system can deliver the desired outcomes.

Based on the subcommittee's advice, the committee settled on both a short- and long-term approach to making information and communications accessible for people with disabilities. This report is divided into two parts or phases.

Phase 1 contains 30 recommendations that the committee is proposing as immediate solutions to identified gaps and unintended barriers in the current standards. Each of these recommendations contains the following:

- an explanation of the issue
- the specific language of the recommendation as voted on
- an explanation of the intent and desired outcome of the recommendation
- recommended timing for implementation of the revised requirement if applicable

Phase 2 proposes a new model to transform and modernize the regulatory approach to accessibility in Ontario. It could be applied first to the Information and Communications Standards and would allow organizations to continuously adapt and improve their websites, web content and technology up to and beyond 2025. If the model proves successful, the committee's intent is that government explore applying it to other accessibility standards in the future. Phase 2 is, in effect, a proposal for culture change in Ontario. The committee recognizes that, given its potentially transformative nature, this phase may take more time to develop and implement.

Phase 1

This section focuses on the Information and Communications Standards outlined in the Integrated Accessibility Standards Regulation. Recommendations in this section are listed according to the different sections under the standards.

It should be noted that throughout this report, reference is frequently made to obligated organizations. These are organizations that are expected to comply with requirements in the regulation. Obligated organizations include:

- the Government of Ontario
- the Legislative Assembly
- designated public sector organizations
- large organizations, private or not-for-profit, with 50 or more employees
- small organizations, private or not-for-profit, with one to 49 employees

Some requirements do not apply to all these organizations. Small organizations, for example, are exempt from some requirements. This report will specify when this is the case. If it does not, the requirements being discussed may be assumed to apply to all the above obligated organizations.

Recommended long-term objective

While developing its specific recommendations, the committee continuously considered the long-term objective of the standards. The act requires all the Standards Development Committees to establish these long-term objectives, and the Information and Communications Standards Development Committee is required to re-examine the long-term objective.

The current long-term objective of the accessible Information and Communications Standards is:

That by 2025, all information and methods of communication to and from an individual will be designed to be accessible to people with disabilities consistent with human rights law, the French Language Services Act (1990) (where applicable) and inclusive design principles. The committee intends for the requirements to build upon the principle of providing accommodation to people with disabilities to preserve and enhance dignity and independence.

The committee believes that the objective above is too complicated, and recommends the following clear and simple objective instead:

That people with disabilities be able to participate fully and equally in the creation and use of information and communications.

Part 1 – Regulation in general or Sections 9–11

Recommendations in this section are related either to the regulation in general or to Sections 9–11 of the regulation.

Recommendation 1: Feedback requirements

Section 11 of the regulation relates to the feedback organizations receive from the public, and outlines accessibility requirements around the feedback process. The committee learned that organizations were confused about the fact that there are different requirements related to feedback located throughout the regulation. Specifically, Section 11: Feedback of the Information and Communications Standards and Section 80.50: Feedback process required of the Customer Service Standards have some of the same requirements.

The committee proposes the following:

The feedback requirements in Sections 11 and 80.50 of the regulation should be combined and placed in the General Requirements section of the regulation, ensuring both the format requirements of Section 11 and the specific requirement for a process in Section 80.50 about goods, services and facilities remain. In addition, the committee recommends that clear definitions of the terms “feedback” and “communication” be included.

Timeline: Immediate

The intent of this recommendation is to eliminate the confusion caused by having requirements for a feedback process dealt with in two different parts of the regulation. This change should not modify the obligations of organizations but simply make them clearer and easier to find and understand.

Recommendation 2: Usage of portable document format (PDF)

During a 2016 meeting of the Standing Committee on Finance and Economic Affairs, the standing committee discussed a proposal to ban PDFs from government use. This is because PDFs are often inaccessible. While the proposal was not approved, it was referred to this formal regulatory review process. The Information and Communications Standards Development Committee discussed the fact that PDFs are often inaccessible, and while it is possible to make them accessible, the expertise needed to make a fully accessible PDF is seldom present in obligated organizations. However, the committee concluded that while certain problems do exist with PDFs, banning them altogether is not the best solution, particularly since they work well when made properly accessible.

The committee proposes the following:

Government should not ban the use of PDFs for any obligated organization.

Timeline: N/A

The committee did discuss a number of alternative measures, including non-regulatory approaches such as increasing education for government employees on how to make PDFs accessible, but did not vote on the matter.

Recommendation 3: Final review of regulatory language

The Minister may accept in whole, in part or with modifications the committee's recommendations once they are received. The committee recognizes that members are not usually involved in the decision-making process after its final advice is submitted. However, some recommendations for the standards are highly technical, and the committee is concerned about ensuring consistency in the interpretation of those recommendations. In particular, there is concern about technical aspects related to Section 14: Accessible websites and web content.

The committee proposes the following:

Government use the technical expertise of the Digital Inclusion Technical Subcommittee as a resource, as needed, to clarify intent and technical accuracy during the regulatory drafting stage related to Section 14.

Timeline: N/A

The intent of this recommendation is to avoid any possible confusion regarding the intent of the committee's recommendations and to ensure that the government can easily obtain clarification if confusion arises.

Recommendation 4: Products and product labels

The current regulation states that products and product labels are not required to be made accessible unless specifically mentioned in the standards. Stakeholders have expressed concern that a large number of goods remain inaccessible because of this exemption. The committee agreed that there should, at the very least, be a digital format available for all products and product labels where applicable. The problem is that both federal and provincial governments regulate in this area, and so making a recommendation solely at the provincial level would be ineffective.

In order to ensure a solution to this issue is coordinated between the federal and provincial jurisdictions, the committee proposes the following:

The Government of Ontario should meet with the Government of Canada to look for solutions to the problem of accessible products and product labels. These solutions may include clarifying jurisdictional authority over different products. In addition, it is recommended that Ontario meet with various industries to explore non-regulatory solutions to this issue.

Timeline: One year for Ontario and Canada to produce a report that sets a strategic direction on the recommendations above. If a report is not created by the governments of Ontario and Canada by this time, then the recommendation is that Ontario develop a strategy to address this, including creating an expert committee.

The committee recognizes that the exemption of products and product labels is an accessibility barrier, but also recognizes that a solution to this problem needs to involve all levels of government that have authority over this area. The committee also recognizes that technology offers the potential for organizations to develop innovative solutions to this issue and would like the Government of Ontario to work with industries to encourage the development of non-regulatory solutions.

Part 2: Section 12

The following recommendations relate to Section 12 of the regulation, which requires organizations to provide accessible formats and communications supports for people with disabilities. The committee discussed this at length and have a number of recommendations regarding Section 12 – Accessible formats and communication supports.

Recommendation 5: Determination of suitability

If a person with a disability asks an organization for an alternate format or communications support, that organization is required to consult with the requester about the request. The final decision on whether to provide the requested alternate format or communications support is with the organization. The committee noted that this is resulting in the provision of formats that do not meet the needs of people with disabilities.

The committee proposes the following:

Change regulation 12.(2) to state: “The obligated organization shall consult with the person making the request and gain agreement in determining the suitability of an accessible format or communication support.”

Timeline: Language to be changed immediately, and regulation to become effective six months after language change.

The intent of this recommendation is that the final decision on the suitability of an accessible format should not be left to the organization alone. Rather, both the organization and the person requesting an alternate format should work together to gain agreement on suitability. The committee recognizes that this may create an impasse, and this is partly what motivates Recommendation 7 (to follow). Despite the potential for an impasse, the committee feels this recommendation will result in improved accessibility. The committee recognizes that with this change, organizations may need time to adjust their processes, so it is proposed that it be effective six months after the amended regulation is in force.

Recommendation 6: Timely manner

Section 12 of the regulation states that organizations must provide accessible formats in a ‘timely manner,’ considering the requester’s needs due to disability. Stakeholder feedback revealed that people with disabilities and organizations often do not agree on the definition of timely manner. Specifically, people with disabilities point out that organizations are only required to take the person’s needs ‘into account’ when deciding on what would be a timely manner.

The committee proposes the following:

Change the regulation to state that organizations must provide accessible formats in a mutually agreed upon timely manner which considers the circumstances of the requester, and the urgency of his or her request.

Timeline: Language to be changed immediately, and regulation to become effective six months after language change.

The idea is similar to the intent of Recommendation 5, which is to ensure that important decisions that affect people with disabilities must be made with their participation. In this case, it would require that organizations and people with disabilities agree on what is meant by a timely manner. Again, the potential for disagreement is recognized, but the committee feels this recommendation will result in improved accessibility. As with Recommendation 6, the committee is proposing that this change become effective 6 months after the amended regulation is in force, to give organizations time to prepare and adjust.

Recommendation 7: Agreement between people with disabilities and organizations

Certain sections of the regulation require or provide for feedback processes allowing people with disabilities to make their needs and positions clear to organizations. Unfortunately, there is currently no mechanism to resolve disagreements when either party is unhappy with the result. Clearly, such a mechanism would be useful.

The committee proposes the following:

The issue of a lack of mechanism to address disagreement between organizations and people with disabilities in any section of the regulation should be referred to the Accessibility Standards Advisory Council.

Timeline: Referred to the council immediately following the submission of the Final Proposed Recommendations.

The intent of this recommendation is for the council to investigate the creation of a mechanism to support the satisfaction of both people with disabilities and organizations, in relation to requirements under the act and regulation. The council is best positioned to examine this issue.

Recommendation 8: Harmonization of Section 12

As was noted in Recommendation 1, organizations are confused by multiple and often duplicate requirements throughout the regulation. Specifically in this case, Section 12 of the Information and Communications Standards and Section 80.51 of the Customer Service Standards create duplicate requirements for providing accessible formats.

The committee proposes the following:

Requirements for alternate formats and communications supports should be combined and moved to one place, in the general requirements section of the regulation. There should be no material change in the requirements, except for any other recommendations made by the committee regarding Section 12.

Timeline: Immediate

The intent of this recommendation is to clarify requirements and eliminate confusion by ensuring they are contained in one section of the regulation. The committee feels that moving the requirement for accessible formats into the general requirements section of the regulation would also make it clear that this requirement applies to all of the standards, and not just to Information and Communications. To be clear, the intent is not to weaken requirements in any way.

Recommendation 9: On-demand conversion ready formats

Currently, there is sometimes a delay when the government is asked to provide alternate formats of documents. The committee feels that technology has advanced to the point where there is no real excuse for this delay.

The committee proposes the following:

The Government of Ontario and Legislative Assembly should produce a conversion-ready digital format of all public-facing materials and provide those materials on-demand:

- ‘on-demand’ in this case would mean immediately, meaning that it should already have been created
- ‘conversion-ready digital format’ means a format which has the properties it needs to be readily converted into an accessible format

Timeline: January 1, 2021

The intent of this recommendation is to strengthen the idea that accessible formats should not be offered as an accommodation, to be provided only when requested and only after a delay. Accessible formats and communications supports are necessary from the start as part of an accessibility foundation. This would be a significant new requirement for government, but given current technology, it is possible.

Recommendation 10: On-demand ASL and LSQ translations

In developing Recommendation 9, the committee struggled with the fact that users of American Sign Language (ASL) and Langue des signes québécoise or Langue des signes du Québec (LSQ) would not benefit from the change in Recommendation 9. It was agreed that while providing all public facing materials in ASL and LSQ on-demand would simply be too burdensome, there are certain types of information and communications which should be available in these formats.

The committee proposes the following:

The Government of Ontario should convene a meeting of deaf and hard of hearing stakeholders to determine which materials should be provided by the Government of Ontario to the public in ASL and LSQ translation. The committee recommends that following the meeting, the materials identified start to be made available on-demand.

Timeline: One year for the meeting to occur, and January 1, 2021 for the requirement to be effective.

The committee’s intent is that the Government of Ontario find a fair and reasonable answer to the question of which types of materials should be available in ASL and LSQ on demand.

Part 3: Section 13

The following recommendations relate to Section 13 of the regulation, which requires organizations to provide accessible formats of publicly posted emergency plans and procedures upon request. During discussion, many committee members expressed concern with current emergency outcomes for people with disabilities, and the committee feels that improving these outcomes is absolutely critical. The committee recognizes that the scope and overall effectiveness of the requirements in Section 13 are limited, and strongly recommends that other action to improve these outcomes be taken as soon as possible.

Recommendation 11: Emergency requirements

Section 13 in the Information and Communications Standards, Section 27 in the Employment Standards and Sections 37 and 56 of the Transportation Standards are all related to emergency requirements. As has been noted previously in this document, having requirements located in different places throughout the regulation is confusing for all parties. In the case of emergency requirements, that is a particularly significant problem.

The committee proposes the following:

The emergency requirements throughout the regulation should be brought together and moved into the general requirements with no material changes to what is being required.

Timeline: Immediate

The intent of this recommendation is to ensure that nothing is missed, and no requirements are overlooked when it comes to protecting the lives of people with disabilities and their families. These requirements should be consolidated and given a clear and prominent position in the general requirements of the regulation.

Recommendation 12: Unacceptable emergency outcomes and preparedness

After a significant discussion regarding emergency outcomes, the committee has concluded that the preparedness of all levels of government for emergencies involving people with disabilities is unacceptable.

The committee strongly recommends the following to help protect the lives of people with disabilities and their families:

Disability and accessibility should be front and centre in the upcoming review of the Emergency Management and Civil Protection Act. To that end, the Minister of Community Safety and Correctional Services, who has responsibility for emergency management, should involve people with disabilities in the review. The Minister should specifically include the Accessibility Standards Advisory Council. The same process should occur when the Fire Code is next reviewed.

Timeline: Immediate

The intent of this recommendation is to address the lack of emergency planning focused on the needs of people with disabilities. It is unacceptable and must be dealt with urgently.

Part 4: Section 14

The following recommendations relate to Section 14 of the regulation, which sets out the accessibility requirements for websites and web content. In both stakeholder feedback and in the committee meetings, Section 14 received the most attention and led to the most significant level of feedback and discussion. It has become clear that there is a great deal of confusion surrounding the requirements of Section 14, particularly given the rapidly changing pace of digital society.

The globally accepted standard for web accessibility is a set of standards called the Web Content Accessibility Guidelines 2.0 (WCAG 2.0), which is published by the World Wide Web Consortium (W3C). While this standard is the one used in Section 14, stakeholders and committee members agree that it is not clear enough how the WCAG 2.0 guidelines should be applied to many technologies beyond websites and web content, nor is it easy to determine when the requirements of WCAG 2.0 have actually been met.

In order to help clear up this confusion and also inform its recommendations, the committee created a Digital Inclusion Technical Subcommittee. This subcommittee provided two distinct sets of expert advice to the committee:

1. Recommendations to address confusion and gaps in Section 14 (part of the [Phase 1](#) recommendations)
2. A proposal for a new model for these standards (see [Phase 2](#))

Recommendation 13: Mobile applications and new technologies

One of the most frequently asked questions during stakeholder consultations was whether and how Section 14 applied to mobile applications. The answer, for the most part, is that they do not. The current requirements apply to web-based applications only, which does not generally include mobile applications.

The committee proposes the following:

The definition of website should be aligned with the definition used by the US Access Board, the EU and the UN Convention on the Rights of Persons with Disabilities, among others, which include mobile applications, interfaces or other technologies as required. Relevant sections of these definitions have been provided in Appendix C.

Timeline: By 2021, which aligns with the existing requirement for all websites to be accessible.

The intent of this recommendation is for both mobile applications which run from a website, and those which run as a standalone device but rely on the internet for function, would be subject to accessibility requirements under Section 14. These requirements would apply to the government and legislative assembly, the broader public sector and large organizations. For the purposes of Section 14, small organizations are currently exempt from accessibility requirements.

Recommendation 14: Procurement

Procurement refers to the purchasing or acquiring of goods or services. The subcommittee noted that there are no accessible procurement requirements specifically related to Section 14. There are procurement requirements in the general requirements section of the regulation, but the subcommittee suggested that these are not strong enough to result in accessible digital procurement.

The committee proposes the following:

The Government of Ontario and designated public sector organizations shall incorporate accessibility design, criteria and features when procuring or buying goods, services or facilities. These criteria include:

- using qualified third-party evaluation certification services established through programs such as:
 - the U.S. Access Board Trusted Tester Program
 - inclusive design or accessibility certificate programs such as those offered by colleges or universities
 - professional certifications from organizations such as the International Association of Accessibility Professionals (IAAP)
 - other professional service vendors that may qualify for such activities
- both manual and automated verification of compliance to technical web and software criteria, not just automated testing
- functional testing of usability by persons with disabilities
- interoperability with alternative access systems (as defined in the glossary)
- sign language and other communication modalities
- the requirement to procure accessible authoring and development tools

This requirement would be in addition to the general accessible procurement requirements in the regulation. The reference criteria for authoring tools would be Authoring Tool Accessibility Guidelines (ATAG) 2.0 (A&B)

Timeline: January 1, 2021. Where an obligated organization has entered into a contract before January 1, 2021, it is not required to meet the requirements of this section.

The committee's intent with this recommendation is to ensure that digital procurement by the Government of Ontario and broader public sector organizations includes accessibility criteria, and that authoring and development tools that are procured are accessible.

The committee would also like non-digital procurement as required by the procurement requirement in the general requirements to be strengthened. Since this is beyond the scope of the committee's mandate, the committee would like this work to be referred to the Accessibility Standards Advisory Council and broader government bodies that manage procurement.

Recommendation 15: Differentiating organizations/high impact organizations

The obligations of organizations under the regulation are determined by how many employees they have, as this has traditionally been a measure of how much widespread impact they have. However, the subcommittee advised the committee that as technology evolves, the number of employees is no longer necessarily a good indicator of the impact organizations may have on Ontarians. The fact is that, increasingly, organizations with very few employees are able to provide a high level or volume of services and thus should be considered “high-impact organizations.”

The committee believes that Section 14, and eventually the whole regulation, need to adapt to capture these new business models.

The committee proposes the following:

- Create a definition for ‘high-impact’ organizations. One such definition might be an organization that has one or more Ontario employees and meets either of the following criteria:
 - One million or more users in Ontario (free or paid)
 - \$10 million or more in yearly global revenues
- These newly defined high-impact organizations would have to comply with the Information and Communications Standards and report under the act, and be subject to the same requirements as large organizations
- For businesses under federal instead of Ontario jurisdiction, or with no employees in Ontario, the province should engage in consultation with businesses and the federal government to determine and harmonize mechanisms to regulate them

Timeline: One year with proactive outreach.

The committee’s intent with this recommendation is to ensure that all organizations with many users in Ontario, and therefore having a large impact on the province, are complying with Section 14 of the regulation. This approach could be used for other requirements in the future where appropriate.

Recommendation 16: Significant refresh

Currently, the requirements of Section 14 apply to organizations which either create new websites or significantly refresh existing websites. Stakeholder feedback and advice from the subcommittee suggested there is confusion about what ‘significant refresh’ means, as the term is subjective. In addition, the committee learned that since Section 14 requirements apply to websites that are new or significantly refreshed, some organizations are choosing to update their websites only a bit at a time, thus avoiding the requirements. This may actually result in reduced accessibility for users.

The committee proposes the following:

- Any content that is new or which an obligated organization changes, updates or adds to a website must meet the accessibility requirements of Section 14
- Furthermore, when content is added, changed or updated, it is recommended that organizations take the opportunity to make all content accessible
- The committee recommends that content should include all functions, interactions and ‘branding’ (look and feel) for a site. It is recommended that Section 14 include examples for the sake of clarity

Timeline: Regulation to be changed immediately, to be effective six months after the new regulation comes into force.

The intent of this recommendation is to bring the Section 14 requirement closer to its intended function, which is to ensure that over time, organizations develop greater accessible content for users with disabilities.

Recommendation 17: Practicability

Section 14 contains an exemption for obligated organizations which gives them the ability to claim that making a website accessible is ‘not practicable’. The committee feels that this term is too vague and might allow some organizations to avoid doing something they are actually able to do.

The committee proposes the following:

Clearly define the term “not practicable,” bringing it in line with the term “undue hardship,” as set out by the Ontario Human Rights Code. A link to this terminology has been provided in [Appendix C](#).

Timeline: Immediate

The intent of this recommendation is to reduce how easy it is for obligated organizations to use vague wording in the standards as an excuse to not fulfil their requirements. Aligning the language with that of the Ontario Human Rights Commission would bring significant clarity, as both the commission and the Human Rights Tribunal of Ontario have previously ruled on what undue hardship actually is.

Recommendation 18: Harmonization and application across requirements

Section 14 is intended to bring about greater accessibility in websites. The committee noted, however, that websites are mentioned in different sections of the regulation, but only in Section 14 are the accessibility requirements explained. In the view of the committee, this makes it too easy for stakeholders to overlook or miss the requirements.

The committee proposes the following:

It should be made clear that Section 14 applies to all sections of the regulation. This could be communicated as a reference to Section 14 wherever websites are directly referenced in the regulation.

Timeline: Immediate

The committee’s intent with this recommendation is to make sure obligated organizations follow website accessibility requirements by reducing any confusion about what they are obligated to do.

Part 4, Subpart 1: Section 14 exemptions

Section 14 identifies a number of situations in which websites or web content do not need to comply with accessibility requirements. The committee does not believe that these exemptions are functioning as intended and recommends changes to these exemptions.

Recommendation 19: Extranet exemption

Section 14 covers internet, intranet and extranet websites, and in the process it defines what these are. Intranet websites are websites that can be accessed from within a particular organization’s network. Currently, not all organizations are required to make these sites accessible. Moving on to extranet websites, Section 14 defines these as websites which require a login. It considers these as an extension of intranets, and therefore also exempt for most organizations. The problem is that a great number of other internet websites that happen to require logins are therefore also considered extranets and so are exempt, which is certainly not desirable.

The committee proposes the following:

The exemption for public-facing websites with a log-in (previously referred to as extranets) should be removed and these types of websites should be required to comply with the regulation.

Timeframe: New public-facing websites with a log-in must comply by January 1, 2021, and all public-facing websites with a log-in must comply by January 1, 2023.

The intent of this recommendation is to completely remove the exemption for extranet websites, ensuring not only that these be required to comply with Section 14, but also that other internet websites not be able to avoid the requirement simply because they use logins. The committee recommends a longer timeframe for implementation as this would be a new requirement.

Recommendation 20: Intranet exemption

Further to Recommendation 19, the committee believes that technology has advanced to the point where all organizations should be able to make their websites accessible under Section 14. Thus far, only the Government of Ontario and Legislative Assembly are required to do so. The subcommittee and committee do not believe there would be a major issue with extending this requirement to the broader public sector and large organizations.

The committee proposes the following:

The exemption for employee-facing websites and content (previously referred to as intranets) should be removed and, like all other websites, these types of websites should be required to comply with the regulation.

Timeline: New employee-facing websites must comply by January 1, 2021, and all employee-facing websites must comply by January 1, 2023.

For clarity, the committee recommends that all definitions related to a type of website be removed and that Section 14 simply apply to all websites, internet or intranet for all obligated organizations. Because this would be a new requirement, the lengthy timeline above is recommended.

Recommendation 21: Pre-2012 exemption

Section 14 provides an exemption from having to make web content accessible if that content was first published on a website before 2012. The committee discussed that this exemption has created two problems. First, some organizations are using this exemption as a loophole that enables them to continue using some content from pre-2012 websites on new websites. The second problem is that organizations are taking useful pre-2012 content, such as historical records, off their websites when they move to a new or refreshed website because they do not have the resources to make this content accessible.

The committee proposes the following:

A category should be created for older archived content. A potential model for this would be the federal Treasury Board archived content policy. This would grant an exemption only to non-active documents. Active content, which is anything that requires input or, like forms, can be changed, will not be covered under this exemption. Pre-2012 images used for navigation in refreshed websites must be made accessible.

Timeframe: Immediate

The intent of this recommendation is to ensure that no content which is intended for active use can be exempt, and that inactive, archived content which is for informational purposes only can remain exempt.

Recommendation 22: Live captioning and audio description

Currently, the Government of Ontario and Legislative Assembly are the only organizations which must meet the live captioning and audio description requirements in the Web Content Accessibility Guidelines (WCAG) 2.0. All other organizations are exempt from implementing this requirement.

The committee proposes the following:

- By 2025, the exemptions to the WCAG 2.0 guidelines regarding live captioning and audio descriptions should be removed.
- Between now and 2025, obligated organizations should put in place the infrastructure to support live captioning and audio description. Organizations which are currently exempt and are required to prepare a multi-year plan should include progress toward this infrastructure in their plan.
- As it is possible that the next committee might want to accelerate this timeline, the current committee recommends that the government explore and monitor technologies and resources available for live captioning and audio descriptions to allow the next committee to make a well-informed decision. This should start six months after this recommendation is adopted.

Timeline: Exemptions removed by January 1, 2025, to be evaluated for acceleration by the next committee.

The intent of this recommendation is to have obligated organizations plan infrastructure, adopt training, and generally get ready to implement live captioning and audio descriptions by 2025, or sooner if the next committee should choose to accelerate the timeline. The committee's intention is to establish a high standard (equal to CRTC standards for live captioning) of quality in live captions.

Recommendation 23: Web hosting location

Section 14 only applies to content which organizations control either directly or through a contractual relationship that allows for modification of the product. The committee has learned that some organizations are interpreting this to mean that if their websites are hosted on servers outside the province, they may claim exemption from the Section 14 requirements.

The committee proposes the following:

Section 14 should apply to obligated organizations no matter where their web servers are located.

Timeline: One year

The intent of this recommendation is to clarify that the regulations apply to obligated organizations regardless of where their websites might be hosted.

Part 5: Sections 15, 16, 17 and 18

The following recommendations relate to Sections 15, 16, 17 and 18, which cover educational and training facilities, producers of educational and training materials, and libraries of educational and training institutions.

One of the topics that was brought to the committee's attention was the difficulty that education providers and students frequently have obtaining accessible resources. The committee has heard that these resources are too often unsatisfactory or delayed provision of these resources is resulting in poor learning outcomes for students with disabilities. Based on these observations, the committee recommends the following:

Recommendation 24: Purchase of accessible teaching/training materials

During its education and training discussions, the committee noted that the procurement of course materials is a good time to ensure that accessible versions are available.

The committee proposes the following:

It is recommended that obligated organizations that are educational or training institutions be required to order text books or other printed curricula materials from producers who agree to provide accessible or conversion-

ready versions, in the same time frame as print copies. These materials should meet or exceed the obligations of education providers as described in the Ontario Human Rights Commission's 'Policy on Accessible education for students with disabilities'.

Timeline: Immediate

Recommendation 25: Definition of educational and training institutions

Education and training accessibility requirements in the regulation only apply to organizations that are classified as educational or training institutions, even though many organizations which do not meet that classification provide these services.

The committee proposes the following:

That the government consider including all organizations (public or private) that provide formal education and training in the requirements.

The committee would like to ask the public what types of organizations should fall under the definition of formal.

Timeline: Immediate

Recommendation 26: Increasing captionist capacity

Committee members are concerned that there are too few trained captionists in the province. While training for captionists does exist in Ontario, the committee believes there is not enough supply to meet the potential demand.

The committee proposes the following:

The Government of Ontario should explore, in partnership with post-secondary institutions, employers and apprenticeship bodies, establishing a post-secondary course to train captionists, possibly in partnership with a court stenographer's course.

Timeline: Immediate

Recommendation 27: Accessibility in education

The committee believes that the inclusion of accessibility-related content in all levels of education curricula is one of the best ways to influence cultural change.

The committee proposes the following:

The government should explore ways to make education and skills development about accessibility, including e-accessibility, part of early years, elementary, secondary and post-secondary curricula.

Timeline: Immediate

The intent of this recommendation is to increase the amount of accessibility-related content in all levels of education in Ontario.

Recommendation 28: Accessibility in information and communications tools and systems

Some members of the committee have noted that there is often a lack of knowledge regarding the needs of people with disabilities on the part of the designers of information and communications tools and systems, and this leads to a lack of accessibility in these products.

The committee proposes the following:

All obligated organizations which provide education or training on the design, production, innovation, maintenance or delivery of information and communication tools and systems shall include curricula that address the needs of people with disabilities, including deaf and hard of hearing people who use ASL and LSQ.

Timeline: One calendar year from effective date.

The intent of this recommendation is to ensure that information and communications tools and systems are created with accessibility features built-in and are maintained by individuals who are familiar with accessibility features.

Recommendation 29: Accessibility in provincially regulated professions

The question of accessibility in provincially regulated professions was of significant interest to the committee. Provincially regulated professions provide a wide array of services to Ontarians, and ensuring they understand the needs of people with disabilities would help make these services more accessible. The committee believes that education around accessibility in all provincially regulated professions could greatly enhance awareness and further prevent attitudinal barriers.

The committee proposes the following:

Certification requirements of provincially regulated professions must include knowledge and application of accessibility (including accessible formats, language, communication and IT support) and the prevention of attitudinal barriers. These should be worked into instructional planning and course design for organizations which provide education or training.

Timeline: One calendar year

The intent of this recommendation is to integrate accessibility into the education and certification of regulated professionals in Ontario.

Recommendation 30: Education standards

The Information and Communications Standards of the regulation currently contain requirements related to education and training. When the committee first reviewed Sections 15–18 and proposed recommendations 24–29, the Government of Ontario had created committees to propose new standards in the regulation for education.

At the time of completing this initial report, the status of these committees is under consideration by the government.

The committee proposes the following:

If the government creates education standards with requirements that are equal to or greater than those requirements found in Sections 15–18 of the regulation, including the result of recommendations 24–29 made in this report, these sections can be moved to the Education Standards.

If any elements of Sections 15–18, including the result of recommendations 24–29 made in this report, are not reflected in newly created education standards for example, application of standards to private schools and colleges—these requirements must be retained in the Information and Communications Standards.

The committee's intent is to make recommendations 24–29 related to Sections 15–18, while allowing the government to house these requirements in the most logical place in the regulation.

Part 6: Section 19

Section 19 relates to public libraries. The committee has reviewed and consulted on this section and voted to confirm that it recommends no changes to this section.

Phase 2

Declaring a breakdown – a call for a new way forward

During the course of their deliberations and interactions with constituents, it became clear to the members of the committee that the current approach to regulating the accessibility of information and communications in Ontario is flawed, and if the approach does not change, the policy aims of the regulations will not be fully achieved. There was consensus that reliance on a wholly prescriptive standard that is not responsive to changes in technology and its application is a fundamental shortcoming of the current approach. There is also a need to enhance the active participation of those who build and use technology daily both to understand and to mandate the application of technologies in ways that maximize economic and social participation for Ontarians with disabilities.

A new model for accessibility regulation

As mentioned at the beginning of this report, the Digital Inclusion Technical Subcommittee was asked to think about some very broad questions, including what accessibility means in today's digital world, and whether the current regulatory system is really able to deliver the desired outcomes.

In the process of considering the broader questions, the subcommittee had thorough discussions which formed the basis of a broad new proposal, presented here in this second chapter of the report, to improve access for Ontarians with disabilities: The Accessibility Ecosystem model.

The Accessibility Ecosystem model responds to what the subcommittee perceives as weaknesses in the current regulatory model and introduces a response that is better suited to a world of rapidly changing technology and business models. The committee also recognizes the need for a more responsive model that is focused on equipping obligated organizations with the knowledge and tools to best serve Ontarians on the front lines of business and government service delivery.

Government's broader use of the Accessibility Ecosystem model

Though the application of the Accessibility Ecosystem is proposed first for digital content and its applications, this model may prove to be more broadly applicable to other standards.

The Accessibility Ecosystem is presented at a very high level, both to maximize compatibility with various requirements and in recognition that more in-depth research and development needs to be done by government and relevant stakeholders to take this model to the next step.

The committee proposes:

- That the government adopt and operationalize Phase 2 as the regulatory approach to accessibility in Ontario. The committee is aware that this approach will continue to evolve. The intent of the committee is to have Phase 1 implemented in parallel with Phase 2. Phase 1 should occur during the transition to Phase 2.

Timeline: Two years from submission of the final recommendations for Phase 2 to be fully implemented.

What this document contains:

Current context

The committee investigates what the current regulatory model seems to be missing.

Accessibility Ecosystem

The Accessibility Ecosystem model is proposed as a solution, and its advantages are listed.

Laws, Trusted Authority, Community Platform and Compliance.

The Accessibility Ecosystem, listed and explained:

How is the new model better?

A look at what sets the Accessibility Ecosystem apart.

Cost, funding and sustainability

An explanation of how, far from being an onerous cost, the new model is actually a shrewd investment.

Current context

The subcommittee's starting point was an acknowledgement of the fact that our understanding of accessibility has evolved since the act was drafted and implemented. People with disabilities are as diverse in their needs and perceptions as people without disabilities, and perhaps even more so. For that reason, one-size-fits-all approaches to accessibility often don't work. In addition, it is now understood that even the word 'accessible' does not have a single definition and is more related to technical requirements than a person's demand for a great experience. What is meant by accessible depends on the person and his or her goals and context. What this means is that accessibility can only be achieved through a process of inclusive design – one that recognizes that all people are variable and diverse, and our products and services must make room for a wide range of human differences.

It is also critical to understand that even if all the specified goals of the act were to be achieved by 2025, it would not be a case of mission accomplished. There would still be people with disabilities for whom Ontario is not accessible. Our society is changing all the time. New barriers to accessibility are constantly emerging, as are new opportunities for greater accessibility. The subcommittee concluded that creating an accessibility check list, however comprehensive, to address the needs of all Ontarians with disabilities is an impossible task. People not represented in the deliberations would likely be left out, unanticipated new barriers would not be considered, and new technologies that might be used to address barriers would not be leveraged. At that point, the subcommittee decided it was time to take a critical look at the current act and regulation model. What it found was five areas in which the current model is simply not meeting the needs of Ontarians with disabilities:

Participation

In the current model, the primary participants are the participating organizations and the provincial government compliance authority. The relationship is one of obligation and policing. The primary questions from obligated organizations are about what is required of them, and whether there might be exemptions. Their primary motivation for complying is avoiding penalties and/or reputational damage.

It is hard to blame organizations for this approach, because accessibility and inclusive design have traditionally been framed primarily as something that organizations must be legally compelled to do, rather than something that is also in their best interests. The fact is however, that there is significant evidence showing that inclusive design is in the interests of business. Research has shown that an organization that attends to inclusive design and accessibility, for customers and employees with disabilities, will garner economic, social and innovation benefits. There are both micro and macro-economic gains to be made for the participating company and for Ontario society as a whole, but that case is not being made clearly or often enough.

The current model also does not harness the significant energy, knowledge and support of many community stakeholders who are deeply committed to accessibility. These include:

- students, many of whom participate in projects such as “mapathons,” design challenges and curriculum-based assignments
- Ontario's world-leading cluster of researchers specializing in accessibility and inclusive design
- non-obligated organizations that recognize the importance of accessibility without being compelled to comply by law
- persons with disabilities and their families or support communities
- professional organizations
- community volunteers
- civil society

The efforts made by these people, groups and organizations are significant, but there is currently no real way to collect, harness and showcase their contributions or quantify their economic impact.

Updating

Other than the five-year review, there is currently no mechanism for keeping the standards up to date. This is especially problematic when it comes to information technology systems and practices, which are changing at an accelerating rate and affecting more and more essential aspects of our lives. Barriers to accessibility emerge suddenly, and if they are not dealt with immediately they can spread and multiply. Opportunities for greater accessibility appear, but if they are not quickly seized they can disappear. In this fast-moving world, accessibility standards quickly fall out of date, and the system is not equipped to deal with that.

Integrating innovation

Ontario is home to many innovators, many of whom have turned their ingenuity to addressing accessibility challenges. Unfortunately, there is currently no easy way for these innovators, including obligated organizations or other stakeholders, to propose new and better strategies for addressing barriers. The relationship is strictly one way, with the act essentially telling organizations what to do. This removes an incentive to innovate in accessibility.

Review and feedback

Legislation often triggers new demands for services. The act has prompted the growth of the accessibility services sector in Ontario. Training, evaluation, design, development and remediation services are now effectively growth industries in Ontario. However, these businesses and services range in expertise and quality, and there is currently no mechanism for reviewing or providing feedback about them.

Indicators

There is currently no way of tracking progress toward accessibility goals. No progress indicators have been established, making it extremely difficult to determine how well accessibility standards are working.

Based on all of this, the subcommittee concluded that an entirely new approach needs to be taken. This approach must move from presenting accessibility as an obligation to be borne by a specific group of organizations in Ontario, to a process that all Ontarians participate in, and benefit from. This is what the committee means when it refers to a culture change, and the vehicle for that culture change is the proposed new "Accessibility Ecosystem."

The Accessibility Ecosystem

Fundamentally, the Accessibility Ecosystem is a new way of organizing the standards within the regulation. Initially, it is being proposed for the Information and Communication Standards, though the committee believes that it could one day be the framework for the full set of regulation standards. The primary aim of the Accessibility Ecosystem is to encourage organizations to see the act less as an obligation than as something in which they participate for their own benefit, and the benefit of all Ontarians. For that reason, the first step in implementing this new system, however symbolic, would be to rename "obligated organizations" as "participating organizations." This re-framing will also provide a way to keep improving and updating how we address barriers faced by persons with disabilities in Ontario, up to and beyond 2025.

The objectives of the Accessibility Ecosystem are as follows:

- keep up with changes in technology
- respond to new barriers
- respond to new opportunities
- respond to barriers not anticipated when the standards were written.
- encourage and support organizations and the larger community in finding innovative ways to address barriers
- discourage the 'us-them' attitude towards accessibility, where the interests of persons with disabilities are seen as counter to the interests of businesses
- encourage working together to make things more accessible to the benefit of everyone
- communicate that accessibility is a responsibility we all share
- show how accessibility and inclusive design are a good way to do business, and a good way to grow the economy and economic participation for Ontarians with disabilities
- reduce confusion about the regulations and make it easier to find tools and resources needed to comply with them
- provide clear, up-to-date, specific advice regarding how requirements can be met
- create the conditions and supports so that all Ontarians feel that they can participate in removing barriers

The proposed ecosystem has three interdependent parts. They support one another, and all play a role in telling organizations what they need to do to remove barriers and expand opportunities. The ecosystem as a whole provides the balance between legal compulsion and alignment with current technical practices. All three parts require funding and ongoing support. The three parts are the Laws, the Trusted Authority and the Community Platform.

The Laws

This is the least flexible part. The Laws would establish requirements, but not specify how they must be met. The Laws include three types:

- Functional Accessibility Requirements (FARs) (contained in Appendix B of this report). These are requirements that are constant. They do not mention specific technologies, to avoid a situation in which a technology changes and evolves to the point where the requirement no longer makes sense. If organizations need help understanding how to meet the requirements, they are linked to acceptable methods of doing so by the Trusted Authority. These requirements are modeled on and harmonized with requirements adopted by both the European Union and relevant US accessibility laws. The functional requirements do not replace technical requirements but specify what they are trying to achieve.
- Regulations regarding the policies of the ecosystem. These govern the Trusted Authority, the Community Platform and updates to the Laws.
- Regulations that support system-wide long-term changes and improvements in the accessibility of Ontario. These include:
 - integrating education about accessibility in all education, starting as early as K-12
 - integrating accessibility into professional training for all professions that have an impact on products and services

- requiring accessibility when purchasing products and services, especially when spending public funds
- including people with disabilities in decision making and planning processes, and ensuring that mechanisms for participation are accessible

Trusted Authority

The Trusted Authority would be an independent group that provides ongoing oversight and support to the system of accessibility standards, in order to ensure that the system is performing as it should and accomplishing what it is intended to accomplish. The Trusted Authority would include people with a wide range of expertise, including lived experience with disabilities.

As implied by the name, the Trusted Authority must be credible, understandable and reliable. All its activities must be transparent and open to public scrutiny. The Trusted Authority would have the power to consult with any individual or group to address knowledge and skill gaps.

The Trusted Authority would:

- Determine and provide clear up-to-date qualifying methods for meeting regulations. (The current set of qualifying methods includes the Web Content Accessibility Guidelines 2.0, the Authoring Tool Accessibility Guidelines 2.0 and other standards such as Electronic Publication (EPub) and International Organization for Standardization (ISO 24751).
- In addition to qualifying methods, ensure that necessary tools and resources are available to use the qualifying methods.
- Provide guidance regarding how to achieve the functional accessibility requirements, specific to the particular organizations. This includes links to resources and tools in the Community Platform.
- Retire qualifying methods that are out of date.
- Clarify laws when there is uncertainty or when there are changes.
- Review new and innovative methods proposed by organizations and individuals to determine whether they can be used to meet the requirements.
- Address gaps in available qualifying methods to meet the requirements.
- Ensure that the barriers experienced by all Ontarians with disabilities are addressed by regularly evaluating who might be falling through the cracks. This includes individuals with a range of technical literacy, individuals in urban, rural and remote communities, Ontarians at all income levels and individuals with disabilities that are not visible or episodic disabilities. It also includes people who experience other barriers that might worsen the barriers experienced due to disabilities.
- Provide, track and make publicly available indicators of progress toward an accessible Ontario. Examples of those indicators might include the number of companies with an accessibility officer, the number of accessibility complaints received and their resolution, the number of employees who self-identify as having a disability, and the number of Ontarians trained in accessibility skills.
- Prioritize accessibility processes and tools rather than specialized technologies and services for people with disabilities. In this way, people with disabilities do not have to bear the additional cost of buying their own specific technology.
- Support innovation that recognizes the diversity of needs experienced by people with disabilities rather than a “winner takes all” or a “one winning design” approach.
- Support recognition that people with disabilities must be designers, developers, producers and innovators, and not only consumers of information and communication.
- Qualifying methods must include accessible tools and processes.

The Trusted Authority would maintain an online interactive guide for participating organizations. This guide would let organizations know which FARS apply to them, what qualifying methods they could use to meet the requirements, and what tools and resources are available to help them implement the qualifying methods. The guide would be inclusively designed to consider the different types and ranges of expertise of organizations in Ontario.

It is recommended that the Trusted Authority report directly to the Legislative Assembly. It is the responsibility of the Legislative Assembly to maintain the FARS and the responsibility of the Trusted Authority to maintain the qualifying methods. Funding commitments for the Trusted Authority must span two political terms to ensure sustainability and independence. Decision-making regarding leadership of the Trusted Authority should be transparent and inclusive of Ontarians with disabilities.

Community Platform

The Community Platform would be an online platform, open to everyone in Ontario, that provides a simple and clear way for community members to contribute their knowledge, expertise and constructive criticism about accessibility in this province.

The Community Platform would:

- collect and make accessibility resources and tools easily available
- share training and education
- make it possible for community members to monitor and review how organizations are doing in meeting the requirements
- empower communities to organize events and activities that support accessibility
- showcase and share good examples of accessible practices
- collect and showcase data on various economic and social aspects of disability

The Community Platform must be an open online infrastructure that is easy to get into, easy to use and easy to navigate. It would allow any community member to pool, share and review a large variety of resources that are helpful in implementing the qualifying methods. These resources might include training modules, software tools, evaluation tools, design tools, reusable software components, helpful example practices, examples of contract language for procurement contracts, examples of job description language and many other resources.

The platform would also provide a means for community members to constructively review the resources. Community members would be able to identify gaps in resources, and these gaps would be disseminated publicly to potential innovators and resource producers. The Community Platform will learn from similar initiatives to avoid the pitfalls involved in keeping resources up-to-date and usable by a large diversity of individuals and organizations. Financial support would be needed to maintain the infrastructure and keep the various resources relevant and up-to-date.

Compliance

Clearly, compliance will have to be an important part of any successful accessibility ecosystem. The question, then, is how do we enforce and ensure proper compliance? Before making a more definitive recommendation, the committee would like to ask the public for input on how compliance might work, informed by its discussion on this topic summarized below:

The committee had an in-depth discussion of how compliance might work in Phase 2. It was agreed that a reasoned, measured approach that rewards good actors and addresses bad behaviour is critical. In addition, greater accountability of leadership was a recurring theme. The committee also discussed greater connections between government bodies/ministries to enable government to be a better leader and using a greater spectrum of compliance measures. Some questions that came up were:

- What is the right way to focus on organizations that want to do this right and actively build models that work well?
- How do you evolve the current approach to compliance in order to encourage organizations to participate in this ecosystem, using a combination of both incentives and disincentives?
 - examples of incentives include grants, loans, tax benefits and public recognition of success

- examples of disincentives include fines, levies to cover the cost of accessibility, surcharges and naming non-compliant organizations using social media
- How best do you highlight the benefits of proactively investing in the integration of emerging technologies? How should we define emerging technology?

How is the new model better?

There are several characteristics of the Accessibility Ecosystem that set it apart. It is a more aspirational system, focusing as it does on what is important and good about accessibility, rather than simply emphasizing that it is an obligation. It is also a more inclusive system, not just inviting but actually relying on input from the public and from stakeholders, including those organizations obligated to meet accessibility requirements. Finally, it is designed to evolve and adapt as technology and attitudes change around it. Specifically, the new model will speed progress toward an accessible and inclusive Ontario because:

- the Trusted Authority will intervene when new barriers arise
- the Trusted Authority will integrate accessibility into the foundation before barriers are created
- the Trusted Authority will be able to represent accessibility and inclusive design at technical and policy planning tables, to integrate inclusive design considerations from the start
- efforts to produce services and resources that address accessibility, which are currently fragmented, will be coordinated and strategically channeled
- new and current contributors to the goal of accessibility will be provided with productive ways to participate
- the Trusted Authority will have the opportunity to provide a more comprehensive set of qualifying methods to address more of the barriers experienced by all persons with disabilities in Ontario
- innovative practices that improve accessibility for people with disabilities will be showcased, rewarded and even adopted as qualifying methods
- the Trusted Authority be able to maintain the momentum of accessibility efforts across political terms

Cost, funding and sustainability

Reports such as the Releasing Constraints report led by the Martin Prosperity Institute show that public investment in accessibility is one of the most economically rewarding investments of public dollars. By establishing a locus of expertise in accessibility, Ontario gains recognition as a global leader in meeting the growing demand for accessibility expertise and innovation, and achieves unprecedented gains in prosperity. This leadership potential has not been fully realized in the current act framework, but the Accessibility Ecosystem would change that.

The Community Platform would serve to reduce redundancy and significantly improve the effectiveness and efficiency of accessibility efforts. The Community Platform is also structured in such a way that while the infrastructure would be maintained through public funding, the resources, tools, training and review would be contributed by the community at large for mutual benefit. Support for the Trusted Authority and the Community Platform could be shared by multiple jurisdictions across Canada, including other provinces and the federal government. Other jurisdictions have expressed interest in collaborating and sharing these services.

Glossary

Qualifying methods: a means of meeting a Functional Accessibility Requirement for a type of service or product that is sanctioned by the Trusted Authority. Qualifying methods can refer to specific technologies and formats, and the tools and resources needed to employ these methods would be available in the Community Platform.

Participating organizations: organizations within Ontario, including organizations obligated by the act, previously referred to as “obligated organizations.” The renaming recognizes that a role of all organizations in

Ontario is to participate in promoting and advancing accessibility for their own benefit and the benefit of Ontario as a whole.

Functional Accessibility Requirements: requirements of the law stated in results-oriented terms, focusing on characteristics that do not change when technology or practices change. They refer to the characteristics of services and products and the associated choices that must be offered to enable use by persons with diverse needs.

Platform: an online service that connects people who need something with resources or people that meet those needs. The platform provides a place to pool shared resources and tools, attach descriptions, including constructive criticism of the resources and tools. Platforms have points of entry suited to the different users and contributors of the platform.

Alternative access systems: computer-based technology comes with a standard set of devices to interact with the technology, such as keyboards and displays. People may not be able to use these standard devices. Alternative access systems replace or augment these standard devices.

Appendix A: Committee Membership

Information and Communications Standards Development Committee

Voting Members:

- Rich Donovan (Chair)
- Kim Adeney
- David Berman
- David Best
- Louise Bray
- Jennifer Cowan
- Pina D’Intino
- Louie DiPalma
- Robert Gaunt
- Gary Malkowski
- Chantal Perreault
- James Roots
- Kevin Shaw
- Jutta Treviranus
- Mattieu Vachon
- Diane Wagner
- Richard Watters

Non-voting members:

- Kate Acs
- Michele Babin
- Adam Haviaras
- Kathy McLachlan

Resigned:

- Jessica Gabriel
- Ben Williamson

Digital Inclusion Technical Subcommittee

Members

- Jutta Treviranus (Lead)
- David Berman
- Pina D’Intino
- Anne Jackson
- Dan Shire
- Aidan Tierney
- George Zamfir

Appendix B: Functional Accessibility Requirements (FARs)

The following is a draft of the proposed requirements that would constitute one part of the laws. These requirements would be directly linked to qualifying methods for meeting the requirements (provided by the Trusted Authority), and then to tools and resources needed to use the methods (provided by the Community Platform).

Where visual modes of presentation are provided:

- at least one configuration must be provided that does not require vision
- visual presentation must be adjustable to support limited vision and/or visual perception or processing (magnification, contrast, spacing, visual emphasis, layout)
- at least one configuration must convey information without dependence on colour distinction
- visual presentation that triggers photosensitive seizures must be avoided
- it must be possible to render the presentation in alternative formats, including tactile formats

Where auditory modes of presentation are provided:

- at least one configuration must be provided that does not require hearing (captions and sign language)
- audio presentation must be adjustable to support limited hearing and/or auditory processing (volume, reduced background noise)
- it must be possible to render the presentation in alternative formats, including tactile formats

Where speech is required to operate a function:

- at least one configuration must be provided that does not require speech

Where manual dexterity is required for operation:

- the opportunity to use alternative modes of operation must be provided
- at least one mode of operation must be provided that enables operation through actions that do not involve fine motor control. These would include path dependant gestures, pinching, twisting of the wrist, tight grasping or simultaneous manual actions (for example, one-handed operation)

Where hand strength is required for operation:

- at least one alternative mode of operation must be provided that does not require hand strength

Where operation requires reach:

- operational elements must be within reach of all users

Where memorization is required for use:

- at least one configuration must provide memory supports or eliminate the demand on memorization or accurate recall (unless the purpose is to teach or test memorization)

Where text literacy is required for use:

- at least one configuration must provide literacy supports or eliminate the demand for text literacy (for example, text-to-speech, pictorial representation)
- at least one configuration must provide simple language (unless the purpose is to teach or test text literacy where a different level of literacy is required)

Where extended attention is required for use:

- at least one configuration must reduce demand on attention or enable use with limited attention

Where operation has time limits:

- at least one configuration must enable extension or elimination of time limits

Where controlled focus is required for use:

- at least one configuration must provide support for focus or eliminate demand on controlled focus

Where specific sequencing of steps for operation is required:

- at least one configuration must provide support for sequencing steps, or eliminate the demand for specific sequencing of operation steps (unless the purpose is to teach or test accurate sequencing)

Where abstract thinking is required:

- at least one configuration must reduce demand for understanding abstractions such as acronyms, allegory and metaphor (unless the purpose is to teach or test abstract thinking)

Where accuracy of input is required:

- a simple undo must be available

Where biometrics are employed:

- alternative methods of identification must be made available

Appendix C: Definitions and Resources

Relevant to recommendation 13

US Access Board definition of web page

A non-embedded resource obtained from a single Universal Resource Identifier (URI) using HyperText Transfer Protocol (HTTP) plus any other resources that are provided for the rendering, retrieval and presentation of content.

European Union Web Accessibility Directive scope:

1. In order to improve the functioning of the internal market, this directive aims to approximate the laws, regulations and administrative provisions of the member states relating to the accessibility requirements of

the websites and mobile applications of public sector bodies, thereby enabling those websites and mobile applications to be more accessible to users, in particular to persons with disabilities.

2. This directive lays down the rules requiring member states to ensure that websites, independently of the device used for access thereto, and mobile applications of public sector bodies meet the accessibility requirements set out in Article 4.

United Nations Convention language:

1. States Parties shall also take appropriate measures: (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the internet

Relevant to recommendation 14

Alternative access systems

Computer-based technology comes with a standard set of devices to interact with the technology, such as keyboards and displays. People may not be able to use these standard devices. Alternative access systems replace or augment these standard devices.

Relevant to recommendation 17

Ontario Human Rights Code (the Code) “Undue Hardship” terminology (<http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/14-undue-hardship>)

Relevant to recommendation 24

Ontario Human Rights Code “Policy on accessible education for students with disabilities” (<http://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities>)

Updated: July 24, 2019

Published: March 8, 2019

Related

Consultation home page: Improving accessibility standards for information and communications (<https://www.ontario.ca/page/consultation-initial-recommendations-improve-accessibility-standards-information-and-communications>)

Phase 1 survey (<https://www.surveymonkey.com/r/9D69PMZ>)

Phase 2 survey (<https://www.surveymonkey.com/r/Y5Z9FBL>)

