

# Public Review of the SDC's initial Proposed Accessibility Standard for Information and Communications

## Ministry of Community and Social Services Accessibility Directorate of Ontario

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### PART ONE: RESPONDENT PROFILE INFORMATION

#### General Info

*Contact First Name:* Kim

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*Are you an individual or are you submitting feedback on behalf of an organization?*

Organization.

#### Organization

If you are an organization, complete this section.

*Organization name:* Multiple Sclerosis Society of Canada

*Primary or Head office location:* Toronto, Ontario

*Approximately how many employees does your organization have in Ontario?*

The MS Society has approximately 180 employees in Ontario. This number may increase or decrease slightly throughout the year, based on seasonal and/or temporary employees.

*Is your organization primarily Ontario-based?*

The Multiple Sclerosis Society of Canada is a national health charity that supports research to find the cause, prevention and cure for MS, that provides services and programs for persons with MS and their families and caregivers, and that educates the public about the disease.

The Ontario Division and national offices are co-located in Toronto, and there are 42 local chapters, extending the Society's reach into bigger and smaller communities throughout the province. There are 7 divisional offices of the Society throughout the country, with the Ontario Division being the largest, having the most employees and clients than any other division.

*Are you a representative association or disability interest group?*

Yes.

*If yes, please describe what particular type of stakeholder, membership or group that you are representing:*

- Disability - multiple sclerosis

The Primary clients of the MS Society of Canada are people who are:

- Living with a diagnosis of MS
- Waiting for a diagnosis with respect to MS
- Close to a person with MS, such as family and friends
- Caregivers to a person with MS, who may also include family and friends

In addition to serving its primary clients, MS Society volunteers and staff also provide information and support to health professionals, employers, institutions and students.

*Are you a public funded or non-profit organization?*

The MS Society of Canada is a non-profit, registered national health charity.

## **PART TWO: FEEDBACK FORM**

### **1. Effectiveness**

*Will the SDC's Proposed Standard help to achieve purpose and intent of the AODA by improving accessibility for people with disabilities?*

Yes. Given the needs of Ontarians with disabilities and among those affected by MS, the establishment and enforcement of this standard is vital. We especially applaud the emphasis on extensive accommodation of differing disabilities as related to the appropriate type of communication. This is of particular importance to clients of the MS Society living with a diagnosis, as symptoms and management of those symptoms vary widely based on a number of different factors, including physical, mental, and cognitive health.

### **2. Support**

*What is your overall level of support for the SDC's Proposed Standard as written? (Please indicate a number from 1-10, with 10 reflecting the highest level of support and 1 reflecting the lowest level of support)*

The MS Society, views the proposed Standard through two lenses: that of providing a representative voice for Ontarians affected by multiple sclerosis, and that of a Class 2 non-profit organization under the proposed Standard. Our responses are provided with these two perspectives in mind.

From the perspective of representing Ontarians affected by multiple sclerosis, we strongly support the Standard and Ontario's broader accessibility agenda. We are pleased to partner with the Government of Ontario to ensure that our province is accessible to all of its citizens by 2025.

From the perspective of a Class 2 non-profit organization, we embrace the proposed Standard but note that there will be challenges as we work toward implementation, particularly around timing, scope, training, and cost. We look forward to working with government and our community members to address these challenges.

*A. Are there any sections in the Proposed Standard that you particularly support and why?*

From an overall perspective, we are particularly appreciative of the emphasis within the Standard on the use of plain language which will assist communication and information sharing processes and be of benefit to all involved. We are also appreciative of the equity related to availability of time/place, quality and costs for information and communications in alternate accessible formats.

Furthermore, we believe that the Committee has taken a fair and balanced approach with respect to recommending that information and communications be provided in alternate formats *upon request*. This allows individuals to request the format that they require and/or prefer and ensures that organizations do not incur the cost of producing alternate formats of all information and communications that may not be utilized by their stakeholders. This is a very thoughtful approach.

We also strongly support the identification of critical service providers (e.g. doctors, dentists, lawyers, organizations providing financial and counselling services etc.) as important Class 1 groups which are required to meet the same requirements of Class 2 and Class 3 organizations in many areas of the Standard. This recognition is essential in ensuring that these services are accessible to all Ontarians who require them.

Likewise, it is promising to know that first responders will be required to be knowledgeable about communicating with persons with disabilities in unprepared communication situations.

*B. Are there any sections in the Proposed Standard that you particularly have concerns with and why. Please provide suggestions for improvement.*

As expressed by some Information and Communications Standards Development Committee (ICSDC) members, it may be difficult for some Class 2 organizations to comply with some of the proposed elements of the Standard without financial assistance and expertise from the provincial government. The MS Society supports the recommendation of a minimum of 5 years for Class 2 compliance, as put forward by members of the ICSDC and perhaps additional time for compliance as it relates to business enterprise and IT systems.

*C. Are there any missing elements that should be added to improve the Proposed Standard? Please provide suggestions.*

Under “Committee Comments”, Section 1 (pg. 3) the Committee members note that they do not intend “to develop any obligations for any Ontario-based manufactures or developers of hardware or software that would create a competitive disadvantage”, but the Standard later (Section 4.0) notes that business enterprise systems “shall meet the requirements of Section 5 and Schedule 1”, which detail accessible formats and methods.

It will be extremely difficult for organizations to implement changes to their business enterprise systems unless manufacturers (Ontario-based or otherwise) are required to develop, update, and support the systems that they create. For example, the MS Society uses an American-based financial system, yet we have no control over how the manufacturer develops its feature road path. This is particularly true with “off-the-shelf” systems. Replacing this system will be very costly and time-consuming, and organizations will not have the expertise – or the means - required to evaluate whether or not business enterprise systems meet the Standard’s requirements.

We feel strongly that the committee, the Accessibility Directorate, and the Government of Ontario must provide some leadership and direction to manufacturers to ensure that business enterprise and IT systems sold and used in Ontario meet the Standard's requirements, and that the manufacturers are required to play a role in updating existing systems to meet the Standard's requirements. In its cost impact assessment KPMG noted (pp. 20-21):

*...legislation in the United States and the United Kingdom that will require software vendors to provide accessible products in order to procure government contracts, organizations in Canada will, in all likelihood, have access to the required software to comply with the Committee's proposed Standard. Therefore, by delaying the implementation of the dates that the business enterprise systems must comply with the Committee's proposed Standard, organizations will have an opportunity to avoid costs associated with software and hardware upgrades, thus significantly reducing the costs of compliance.*

*Costs associated with purchasing software and web development, range from less than \$5,000 to over \$3,200,000.*

Those organizations that have already implemented these systems may not have the opportunity to delay upgrades under the proposed timelines, depending upon when they introduced their systems. For example, the MS Society will not be able to incorporate typing and pointing device capabilities into its existing databases.

**It is recommended that the committee review the requirements outlined in the legislation in the United States and the United Kingdom to determine where alignment of standards with respect to software can be achieved, and where there may be opportunities to leverage purchasing power to upgrade existing systems, and standardize new systems.**

Another area that should be added to the Standard is detailed under "Committee Comments", Section 1 (pg. 3), in which Committee members note discussion about applying the proposed Standard to organizations with 0 employees (e.g. condominium corporations, office holders). The MS Society supports the inclusion of these types of organizations in the proposed application of the Standard, as these organizations play vital roles in ensuring that the living and working environments of Ontarians are accessible.

Inclusion of these types of organizations is particularly critical given that the disability community in Ontario is also frequently at a financial disadvantage and may be impacted more than other populations by decisions made by local housing authorities and housing co-ops, which oversee social housing, and similar organizations.

For consistency, it would be important that these organizations should also be subject to the other Standards' requirements (e.g. Built Environment, Customer Service, Employment, etc.)

Finally, it is important to note that the proposed Standard has no information with respect to interpretation, monitoring, and enforcement of the Standard. If the Human Rights threshold around accommodation is used, what form of enforcement will be used with the Standard? If an individual request for accommodation is made and request is not fulfilled, what recourse will be available to the individual? This should be clearly outlined at the onset of the Standard to enable individuals to understand their rights, and organizations to understand the consequences of non-compliance.

### 3. Clarity

*Is the SDC's Proposed Standard clear and understandable including intent, meaning of the clauses, requirements and proposed definitions?*

Overall, yes, although there are some specific areas that require clarification which are detailed below.

*If not, what specific suggestions would you make to improve clarity, support understanding and avoid uncertainty?*

From a general standpoint, it would be useful to include some discussion around what is defined as a timely response to requests for accommodation. This is presently not established in the Standard requirements. Moreover, there is a need to distinguish between what types of accommodation are required to be made upon request, and what types of accommodation are required to be available at all times. This is unclear throughout the proposed Standard.

Additional clarity should also be provided in terms of which types of communications are required to be provided in alternate formats upon request, and which types of communications are required to be accessible at all times.

It will be a tremendous challenge for the Society to anticipate needs as we produce many different items for public consumption, from marketing material, newsletters, client information, annual reports, press releases etc. In addition, documents are created at levels of the organization, from national office to small, volunteer-based chapters. These levels within the organization have different capacities to develop alternate formats.

Some of the materials produced have a long shelf life, but many expire within months (e.g. newsletters and fundraising marketing materials) and the cost of producing these in all the possible accessible formats in anticipation of a request, rather than after a request has been made, would have significant financial implications, and time implications, for the organization.

In terms of specific points that require clarity:

Page 6, 2.6 Duty to Inform - Is this duty a one-time event or part of an ongoing process?

Page 9, Paragraph 1 – the intent is unclear. “Communication disability” should be defined.

Page 10, 3.1 & 3.2 – the use of the word “format” is vague. Examples would be useful.

Page 15, 5.4.1. b) Requires that live human assistance (e.g. operator assistance) be available during all regular business hours for an organization when communication is provided in a form that is expecting a set of choices to be made through speech. It is unclear what type of assistance the operator will be required to provide.

As well, if the operator must refer the individual to another employee or volunteer for assistance, what is the expected response time should that individual be unavailable?

Page 19, 5.7.1. It is unclear what “significant personal impact on an individual” means. This should be defined.

Page 21, 6.0 Regarding education organizations, the provision of services to primary clients of the MS Society is an important area of focus in the organization. Although we are not an education organization, within the umbrella of Client Services, education is one of our key program areas. Does this requirement apply solely to education organizations, or does it also apply to organizations that provide education programs?

The relationship between the Standard and Ontario’s Human Rights Code is not clear. It would be useful to provide clarity on this issue, either in the Standard itself, in the plain language guide, and/or in supporting documents. It would be useful to outline and explain the requirements of Ontario’s Human Rights Code as they relate to the Standard.

#### **4. Scope & Application**

*Section 1 of the SDC's Proposed Standard sets out the broad scope and application of the SDC's Proposed Standard. Do you support the scope and application of Section 1?*

Both volunteers and staff members deliver programs of the MS Society throughout Ontario. Some of these individuals work out of home offices. In terms of scope, we ask that the committee or the Accessibility Directorate clarify on how the Standard applies to these individuals. Specifically, we ask for clarity on the following issues:

- Will volunteers and staff be expected to meet the same expectations related to the Standard, particularly if they are in a volunteer-only setting (for example, a small chapter)?

- Are volunteers or staff members who work from a home office expected to meet the same requirements under the Standard as those volunteers or staff members who work in traditional business or office settings?

Furthermore, we would like to understand how far reaching the implications of this Standard (and others) are on organizations that have a scope beyond Ontario; that is, those organizations that operate at both provincial and national domains. For example, if communication materials are produced at the national level but offered in Ontario, are these materials required to meet the Standard?

*Is the grouping of organizations into small, medium, and large appropriate? Please explain why or why not, and include any suggestions for improvement.*

We agree with the small, medium, and large distinctions. However, the Committee members should also consider distinguishing between for-profit and not-for-profit organizations with respect to compliance targets and any government support that may be provided to assist organizations with implementation.

For-profit organizations can offset costs of implementation by passing on costs to consumers and through tax incentives. Not-for-profit organizations do not have these options available to them. We feel that this basic distinction is necessary and that further, it should be consistent across all Standards (understanding that this may require amendments to the Customer Service Standards Regulation).

Non-profit organizations will need to rely more on government support – with financial support, planning and implementation expertise, or otherwise - to implement Standards than will for-profit organizations. The availability and level of this support will significantly impact on the ability of non-profit organizations to meet the compliance targets.

*Is the proposed definition and categorization of information and communications appropriate? Please explain why or why not and include any suggestions for improvement.*

Yes, the classifications are appropriate.

*Are the timelines for implementation achievable? Please explain why or why not and include any suggestions to phase in requirements in order to achieve the vision of accessibility by 2025.*

As noted earlier, meeting the three year compliance timeline for some of the requirements will be challenging for the MS Society, and likely many other non-profit organizations of our size and scope. We recommend an implementation window of five to seven years, although a longer-horizon may be required for IT and business enterprise systems. This change will allow us to:

- Conduct an organizational assessment of our information and communications practices and technologies.
- Develop an implementation plan and evaluation tools.
- Evaluate cost implications
- Communicate the plan to our staff and volunteers, at national, Ontario Division, and Ontario chapter and unit levels.
- Develop policies, procedures, and documentation processes to support the Standard's implementation.
- Work to change existing systems, where necessary.
- Educate and train staff and volunteers throughout Ontario.
- Implement, monitor, evaluate, and enforce.

## 5. Benefits/Costs

*Please describe some of the potential positive effects of the SDC's Proposed Standard on you or your organization.*

We especially applaud the emphasis on extensive accommodation of differing disabilities and related to the appropriate type of communication. This is of particular importance to clients of the MS Society living with a diagnosis, as symptoms and management of those symptoms vary widely based on a number of different factors, including physical, mental, and cognitive health.

*Please describe some of the potential negative effects of the SDC's Proposed Standard on you or your organization.*

The challenges of finances, costing, and planning are very real for the Society and could impact our ability to comply with the Standard's requirements. The cost impact assessment conducted by KPMG did not assess large, Class 2 non-profit and/or charitable organizations of national scope. In the cost assessment report, KPMG estimates the cost of implementation of a large national retail chain to be between 1-7% of annual revenue. KPMG further noted that this analysis should not be extended to non-similar organizations.

The MS Society agrees. Our "business" is very different than that of the retail chain described in the summary report. As noted earlier, non-profits cannot offset the costs of implementation in the same way that for-profit organizations can, by increasing revenue or taking advantage of existing tax incentives. The Canada Revenue Agency's requirements around charitable status may further limit the ability of charitable organizations – including the MS Society – to enhance revenue to support the costs of implementation. Government support will be essential to implementation.

Another challenge unique to non-profit organizations is that of volunteer training. In Ontario alone, the MS Society estimates that it has approximately 10,000 volunteers in a variety of roles in the organization, including governance, operations (e.g. performing

office and administrative functions), client services, and events, among others. Some of these volunteers may have ongoing, long-term involvement with the Society and may have direct accountabilities to the organization, or they may simply give us a few hours of their time at one point in their lives.

As it is written in Section 2.7, the standard requires organizations to:

***Ensure training and guidance to employees, volunteers and others who are responsible for designing or providing and receiving information and communications on behalf of the organization that includes:***

- a) the organization's policies, procedures and practices for providing accessible information and communications for persons with disabilities;*
- b) information and communication barriers to and needs of persons with disabilities;*
- c) the organization's resources and tools for providing accessible information and communications; and*
- d) how to provide information to and communicate with persons with disabilities in emergency and crisis situations.*

We ask that the committee or the ADO clarify the phrase “ensure training and guidance to employees, volunteers, and others who are *responsible* for designing and receiving information and communications. Is this responsibility viewed as part of the duties that some volunteers assume when communicating in their voluntary activities, or does responsibility fall to someone who is directly accountable (e.g. a staff member or senior volunteer) for developing and overseeing communications in the organization?

Many of our volunteers are called upon to provide or receive information in the course of their duties. It will be exceptionally challenging to provide training at the level described to the majority of our volunteer base, particularly those on specialized teams who volunteer at large-scale events, such as walks and bike tours, who may be trained by a fellow volunteer on the day of the event, to accomplish a very particular task (e.g. giving out water bottles on route). Our volunteers out-number our Ontario-based staff by approximately 54:1.

The Standard should provide a tier of volunteer training requirements based on the level of involvement, responsibility, and accountability that the volunteer has to the organization. For example, an Officer of the organization who sits on the Board of Directors should receive training and guidance on the Standard, as should an event supervisor. However, a volunteer who conducts registration at an event should only be required to know that if an accommodation request is made, she or he should speak to a supervisor.

## 6. Feasibility

*Are the requirements of the SDC's Proposed Standard appropriate in terms of the feasibility of implementation?*

Without additional costing information on implementation for Class 2 non-profit organizations and a decision from the Government of Ontario on whether financial support and/or incentives will be forthcoming, it is difficult to comment on the feasibility of implementation from a costing perspective. If the MS Society were required to implement the Standard's requirements today, meeting some of the requirements (outlined earlier), would be very challenging from a financial perspective and would severely impact on our ability to direct much-needed funds to our mission-critical activities as defined in our charity's charter.

As noted earlier, it will also be challenging to provide the same level of training to volunteers as to staff. The Standard should recognize and support organizations to overcome challenges of scale and costs associated with the wide-reaching implications of extending the training and level of preparedness needed to tens of thousands of volunteers across the province.

Also noted earlier, unless the Government of Ontario shows leadership to ensure that the manufacturers of business enterprise and IT systems in general are creating and upgrading products to be up-to-standard, it is unlikely that organizations will be able to comply with the Standard in the timeframes discussed (from 3 to 6 years). Without this leadership, organizations may not be able to comply at all.

*What suggestions, if any, do you have to make the requirements more practical for you or your organization?*

An additional cost analysis of Class 2 non-profit charities (which are aligned with specific Canada Revenue Agency requirements) should be conducted by KPMG to inform our planning and implementation initiatives.

As well, providing a definition of what is considered reasonable timeframe in terms of meeting requests for alternate formats. The definition of "reasonable" should consider format, cost, and practical issues such as holidays or office closures.

Also see earlier comments (p.p. 7-8) around distinguishing between for-profit and non-profit organizations in Class and compliance, as well as recommendations around volunteer tiers with respect to education and training requirements.

## 7. Additional Comments

*Do you have any additional comments or suggestions that have not already been covered in the preceding questions?*

In addition to providing financial assistance and planning and implementation expertise to organizations required to meet the Standard, the Accessibility Directorate of Ontario should also provide standardized training around accessible information and communications on an ongoing basis, throughout the province. This can be done through workshops, seminars, e-learning/web-based learning modules, in-office facilitated learning sessions, etc.

**It is recommended that like-oriented (e.g. large non-profit) organizations be grouped together for any training that is provided. It is further recommended that training should consider the special needs of volunteers, should they be required to be trained.** For example, issues such as access – or limited access - to technology, reasonable timeframes for registering for training sessions, session duration, and training sessions held outside of traditional business hours should be considered when training is to be provided to volunteers.

As well, best practices, tip sheets, and templates should be developed, which organizations can refer to and use in the establishment of accessible information and communications policies, procedures, and training manuals. This is in keeping with the spirit of the committee's comments in Section 2 of the proposed Standard.

To take this a step further, templates and/or checklists (based on Class type, where applicable) that explain Standard requirements to vendors should be developed to ensure that these requirements are being communicated to vendors clearly and consistently. This will help to avoid confusion among vendors and will help organizations avoid potentially costly mistakes.

In closing, the MS Society strongly supports the Government of Ontario in its efforts to make Ontario accessible by 2025, and we applaud the committee members on the work they have done. We look forward to working with the Accessibility Directorate of Ontario and the Ministry of Community and Social Services to develop the tools and supports needed to implement all of the Standards effectively, in a timely manner.